
EXHIBIT “8” - PART 2

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<p>1 told Kathy about it?</p> <p>2 A. No. Kathy was egging me on, and she was, 3 like, behind the whole thing, the whole thing from the 4 beginning. Even before I got there, she wanted to 5 sabotage Microsoft Project. And I spent a lot of time 6 setting up all these Projects, and all I did was get a 7 lot of flak from Kathy that it wasn't working right. 8 People weren't using it.</p> <p>9 And I said, "Well, if you let me tell 10 them that they have to use it, let me train people" -- 11 she never let me do that.</p> <p>12 Q. All right.</p> <p>13 A. She never let me go forward with actually 14 getting --</p> <p>15 Q. Okay.</p> <p>16 A. -- people to use it appropriately. And she 17 didn't understand how it had to be used --</p> <p>18 Q. All right.</p> <p>19 A. -- although IT understood how it had to be 20 used.</p> <p>21 Q. Let me go back to a question. Okay?</p> <p>22 A. Uh-huh.</p> <p>23 Q. When you told the Director of Human Resources 24 that Kathy Holtzman was being unethical, were you 25 referring to Kathy Holtzman telling you to prepare a</p>	<p>1 Resources about. I went to Human Resources about the 2 way that she would not promote me and was not giving 3 me work according to my job description.</p> <p>4 Q. All right. Now, earlier you complained about 5 the edits and Krista and the typing; correct?</p> <p>6 A. That was in October. Right.</p> <p>7 Q. Okay. But here it says, if you were subjected 8 to unwanted harassment, was your employment status in 9 any way threatened if you did not go along?</p> <p>10 A. Obviously. Look what happened.</p> <p>11 Q. Right. But you said, "I was told by the 12 Director of Human Resources that I had to do whatever 13 my supervisor demanded even if she was being 14 unethical"?</p> <p>15 A. Yes.</p> <p>16 Q. Okay. And my question to you is that meeting 17 at the earliest was October 18, '06; correct?</p> <p>18 A. Yes.</p> <p>19 Q. If you felt that you were being asked to do 20 something unwanted or unethical in April, 2006, why 21 did you not complain sooner?</p> <p>22 A. Because that wasn't one of my complaints. Why 23 would I complain? Would I want to lose my job? If 24 she already knew that Kathy acted this way -- and she 25 apparently knew. She said --</p>
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<p>1 memo about Barbara and Erik?</p> <p>2 A. That was one of the things, yeah. I really 3 didn't feel -- you know, I thought Barbara was 4 basically trying to be diplomatic. And Kathy said, 5 "Oh, no. You have to tell -- you know, put down a 6 tone of voice and put down, you know, what actually 7 happened. You have to cover -- you know, basically 8 cover your ass," and all this stuff.</p> <p>9 Q. Was there anything else you were referring to 10 by her unethical conduct?</p> <p>11 A. Besides her asking me to be manipulative and 12 write things about people I didn't really feel, that 13 was basically unethical enough.</p> <p>14 Q. All right.</p> <p>15 A. I'm not going to commit to saying there was 16 nothing else. But at this point that's what comes to 17 my mind right now.</p> <p>18 Q. All right. Now, this issue with Erik and 19 Barbara -- this was in April, 2006; correct?</p> <p>20 A. It was ongoing.</p> <p>21 Q. Why did you wait until October to go to the 22 Director of Human Resources if Kathy Holtzman told you 23 to do something you considered unethical in April of 24 '06?</p> <p>25 A. Because that's not what I went to Human</p>	<p>1 Oh, one of the other things that she 2 said to me that is really important is "I can't do 3 anything about Kathy. She has too much power. I 4 can't tell you how they deal with her, you know, that 5 they have problems with her. I can't do anything 6 about it. You just have to do what she says." And 7 she wrote that to me in an e-mail.</p> <p>8 Q. Okay. Now, on the same document there's 9 remedy information, and you completed that. And it 10 says:</p> <p>11 "Other than loss of salary, what money 12 have you lost?"</p> <p>13 You go through a list.</p> <p>14 A. Health insurance, my kids' braces.</p> <p>15 Q. Okay.</p> <p>16 A. I'm losing my house. I had a second home. I 17 can't pay for it. It's going into foreclosure. What 18 else?</p> <p>19 Q. Where is your second house?</p> <p>20 A. It's in the mountains.</p> <p>21 Q. Where?</p> <p>22 A. Lake Naomi.</p> <p>23 Q. What's the address?</p> <p>24 A. 26 Hemlock Circle.</p> <p>25 Q. Okay. Is that house being sold as a result of</p>

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1 the divorce proceeding, or is it being foreclosed on?
 2 A. It's not in foreclosure yet. If I can pay
 3 next month, it won't go. But it's not a result of the
 4 divorce. It's the result of me not being able to pay
 5 for it because, when I got the job at National Board,
 6 I refinanced and did some repairs on the house. So I
 7 upped the mortgage, and now I can't pay for it.
 8 Q. All right. Is your husband paying for it?
 9 A. We can't afford to pay for it with just his
 10 salary. I have another mortgage on a home here, and I
 11 have three children to support, and we pay our own
 12 health insurance now.
 13 Q. When did you stop paying the mortgage on the
 14 Lake Naomi property?
 15 A. I'm late this month. This is the last month.
 16 I used up all of my savings paying the mortgage.
 17 Q. So this is the first month that the mortgage
 18 has not been paid?
 19 A. We used up our savings. We have no savings.
 20 Q. Who told you that after missing one month's
 21 payment the house would be foreclosed next month?
 22 MR. JENNINGS: Objection to form.
 23 THE WITNESS: I didn't say that it would
 24 be foreclosed. I said it's going to go into
 25 foreclosure because I don't have any way to pay it

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1 from now on. We used up -- oh, my -- our son's bar
 2 mitzvah cannot be paid for because I used that up to
 3 pay for the mortgage.
 4 BY MS. KIVITZ:
 5 Q. Have you gotten in hand a foreclosure notice
 6 from any lender?
 7 A. No. No. But I will. And when I get one,
 8 you'll be the first to know.
 9 Q. Now, you said you're paying \$1,500 per month
 10 for family health insurance. Am I correct that you
 11 did not --
 12 A. It's more than that actually.
 13 Q. -- elect COBRA benefits --
 14 A. No. I did go on COBRA. You have to pick up
 15 the exact same policy. You can't change it. So you
 16 have to pay exactly what the National Board was paying
 17 until it runs out. So after -- I think it was March.
 18 Up until March I owed them, like, 5 or \$6,000 in
 19 arrears for health insurance because you cannot
 20 switch.
 21 I said, "Can I switch my policy?"
 22 And they said, "No." For you to be on
 23 COBRA, you have to keep the same exact benefits which
 24 was very expensive. And then my husband has
 25 preexisting conditions; so we're having a problem

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1 getting other insurance.
 2 Q. Did you elect COBRA benefits when you left the
 3 National Board?
 4 A. Well, yeah. I had no choice. I had to get
 5 health insurance.
 6 Q. Did you pay for COBRA benefits?
 7 A. Yes. For three months or four months, and
 8 then it runs out.
 9 Q. Okay. What health insurance do you have now?
 10 A. Same. Which we're trying to switch, but it's
 11 been difficult because my husband has some preexisting
 12 conditions. And when you're not in a group plan, what
 13 they make you do is you have to pay a year on one
 14 health insurance -- you have to pay two health
 15 insurances for a year. You can't get off it.
 16 Q. Okay. Now, you also said you were losing a
 17 pension to be determined?
 18 A. Right.
 19 Q. What are you referring to?
 20 A. I would have had a pension at the National
 21 Board.
 22 Q. After what period of time?
 23 A. I was pretty close, I think. I don't know.
 24 Is it two years?
 25 Q. And you said you were also missing tuition,

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1 \$4,000 per year. What did that refer to?
 2 A. They give a tuition benefit.
 3 Q. Were you in school when you were at the
 4 National Board?
 5 A. That was another issue where she discriminated
 6 against me. I asked to take some courses, and she
 7 said, "No." She meanwhile was letting other people
 8 take courses that were completely irrelevant to the
 9 job. Debbie was taking, like, social worker courses.
 10 I asked to take some IT courses at Drexel, and she
 11 said, "No."
 12 Q. Okay. Were you ever enrolled in any
 13 program -- tuition program during the entire time you
 14 worked at the National Board?
 15 A. No. The only thing she would let me take were
 16 in-house IT training.
 17 Q. Okay. You said that you were missing
 18 transportation costs to work. Was the National Board
 19 paying your transportation costs?
 20 A. Sort of. They were giving me \$100 a month for
 21 a rail pass or a trail pass.
 22 Q. You said you're missing the cost of
 23 orthodonture for your two children?
 24 A. Yes. They were paying for braces, and now
 25 they're not; so I have to pay the balance, whatever

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1 the insurance company isn't paying.		1 medical complaints? psychological complaints?
2 Q. Who paid for braces?		2 A. I've seen her in reference to not really --
3 A. The National Board. It's a benefit.		3 you know, I didn't really complain to her about, you
4 Q. The National Board itself or your insurance		4 know, mental problems.
5 coverage? Who paid for orthodonture?		5 Q. Where is she located?
6 A. The insurance was -- was it United Concordia?		6 A. She's at Abington Hospital.
7 Maybe it was United Concordia. It was a dental		7 Q. What type of doctor is she?
8 benefit paid for by the National Board.		8 A. She's a general practitioner.
9 Q. Okay. And when I just asked you what		9 Q. You said, "I didn't really talk to her about
10 coverage you had when the COBRA ended, you said the		10 psychological issues." Do you remember what you saw
11 same coverage.		11 her for?
12 A. No. When it ends? I have the same health		12 A. What I saw my doctor for? That's personal.
13 insurance company. It's not the same coverage. I'm		13 THE WITNESS: Do I have to answer that?
14 mistaken. It's still called "Personal Choice," but		14 MR. JENNINGS: Ask if it had anything to
15 it's a very watered down version of it. Like, most of		15 do with her employment. If it didn't have anything to
16 our prescriptions are not paid for, and I have two		16 do with her employment --
17 children on prescriptions that are not being paid for.		17 MS. KIVITZ: Well, I tried that. I did
18 Q. And who is currently paying the cost of health		18 ask that.
19 care coverage?		19 MR. JENNINGS: I don't think you asked
20 A. My charge card.		20 it that bluntly.
21 Q. Is that something that you're seeking to have		21 BY MS. KIVITZ:
22 your husband reimburse in the divorce proceedings?		22 Q. You want to answer that?
23 A. It's our charge card. It's in both our names.		23 A. There were conditions that I have that were
24 Q. Well, the two of you are presently separated		24 exacerbated by unemployment.
25 within the same household; correct?		25 Q. All right. Then I'm going to have to go
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1 A. Yes.		1 further and ask you what conditions were exacerbated.
2 Q. Okay. What I'm asking you: Is that a charge		2 A. I had stomach problems, and I was depressed.
3 that you're asking for your husband to reimburse?		3 Q. All right. And you went to see
4 A. These are just mutual debts that we now have,		4 Dr. Fenstemacher for the stomach problems and the
5 and I have no idea. I can't answer that question.		5 depression?
6 I'm not my attorney. I don't know what you're allowed		6 A. Basically, yes.
7 to ask for; so I can't answer that question.		7 Q. Now, you saw the Interrogatory Answers you
8 Q. Okay. You also said, "Loss of Social Security		8 filled out in this case that we received; correct?
9 contributions." What did you mean by that?		9 A. Right.
10 A. Well, obviously, since I'm not working, I'm no		10 Q. Do you recall answering those Interrogatories
11 longer paying into the system. So, you know, when I		11 that you have not seen a doctor as a result of your
12 reach sixty-five or whatever, if we still have a		12 termination from the National Board?
13 Social Security system, it's going to be less,		13 MR. JENNINGS: Objection to form. I'm
14 obviously.		14 not sure if that was the exact language of the
15 Q. Okay. Have you seen any therapist,		15 Interrogatory. I don't have it in front of me.
16 psychologist, psychiatrist, or medical doctor since		16 THE WITNESS: I have seen a doctor. But
17 you were terminated or as a result of the termination		17 like I said --
18 from the National Board?		18 BY MS. KIVITZ:
19 A. I have seen my doctor, you know, but I'm not		19 Q. Related to your termination?
20 the kind of person that goes to complain.		20 A. Well, these were conditions that were
21 Q. And who is your doctor?		21 exacerbated by being terminated, but I would have gone
22 A. Pam Fenstemacher.		22 to her anyway because she's my doctor.
23 Q. You'll have to spell that.		23 Q. Okay. Have you struggled with depression over
24 A. F-e-n-s-t-e-m-a-c-h-e-r.		24 the years?
25 Q. All right. Have you seen her in reference to		25 A. Not really. Well, a little bit when I was

<p>1 younger.</p> <p>2 Q. Okay. Who did you see in those years?</p> <p>3 A. Her.</p> <p>4 Q. Okay. Same doctor?</p> <p>5 A. Same doctor. She contributed it to menopause.</p> <p>6 It was after I turned -- in my forties.</p> <p>7 Q. All right. Do you mind -- because you've said</p> <p>8 your stomach problems were exacerbated, I have to ask</p> <p>9 you what type of stomach problems.</p> <p>10 A. Irritable bowel syndrome, and I also have</p> <p>11 reflux disease.</p> <p>12 Q. Okay. For these conditions have you seen</p> <p>13 anyone other than Dr. Pam Fenstemacher?</p> <p>14 A. Since I stopped work at the Board?</p> <p>15 Q. Before or after.</p> <p>16 A. I've been to gastroenterologists in the past.</p> <p>17 Q. And can you give me their names, please?</p> <p>18 A. I don't remember them. I really don't.</p> <p>19 Q. Do you remember where they're located?</p> <p>20 A. It was a long time ago. Basically it's</p> <p>21 treated with over-the-counter with -- they're now over</p> <p>22 the counter. But for years I had prescriptions for</p> <p>23 Prilosec, and I've been taking that for a long time.</p> <p>24 Q. And who gives you the prescriptions on that</p> <p>25 now?</p>	<p>Page 173</p> <p>1 humiliation, depression, and anxiety."</p> <p>2 Do you recall giving us that Answer?</p> <p>3 A. Yes. But there's a reason because these were</p> <p>4 conditions that I had, and they come and they go</p> <p>5 according to my -- what stress I'm under. So I did</p> <p>6 not completely attribute it to going -- because of the</p> <p>7 National Board. I didn't walk in and say, "I lost my</p> <p>8 job, and I'm depressed." You know, I walked in, and I</p> <p>9 said, "You know, I want this and this for these</p> <p>10 conditions which I have," and that's it.</p> <p>11 Q. Okay.</p> <p>12 A. It was more, you know, like -- actually, it</p> <p>13 was, like, a regular checkup that I went in and I</p> <p>14 talked to her. And I told her what was going on.</p> <p>15 Q. Okay. We're going to ask you to sign what's</p> <p>16 called a "HIPAA Release" so that we can get the</p> <p>17 records from the doctor because a regular subpoena</p> <p>18 won't be enough. So don't go anywhere after your</p> <p>19 deposition. I'll have one made up. Okay?</p> <p>20 A. Uh-huh.</p> <p>21 THE WITNESS: Do I have to have all my</p> <p>22 medical records released?</p> <p>23 MR. JENNINGS: We'll look at what the</p> <p>24 Release says and then decide what we're going to do</p> <p>25 with it.</p>
<p>Page 174</p> <p>1 A. They're not prescription anymore. It's over</p> <p>2 the counter. It used to be from Fenstemacher.</p> <p>3 Q. Okay.</p> <p>4 A. And I had also had a prescription for</p> <p>5 something called "Dycyclomine," which is for irritable</p> <p>6 bowel syndrome. It's a prescription from</p> <p>7 Fenstemacher.</p> <p>8 Q. Okay. When is the first time in your life you</p> <p>9 had any issue with depression? How hold were you?</p> <p>10 A. In my forties.</p> <p>11 Q. Okay. Do you remember where you were working</p> <p>12 at the time?</p> <p>13 A. I wasn't. I was home with my kids. And it</p> <p>14 wasn't really diagnosed as depression. She said she</p> <p>15 felt that it was menopausal symptoms, but at this</p> <p>16 time, you know, I was really upset with what happened</p> <p>17 at the Board.</p> <p>18 Q. And you went to see her because you were upset</p> <p>19 at what happened at the Board?</p> <p>20 A. Uh-huh. Yes.</p> <p>21 Q. Okay. We asked you in an Interrogatory, if</p> <p>22 you were claiming that you had any emotional damages,</p> <p>23 who you had seen. And your Answer was:</p> <p>24 "Plaintiff has not gone to the doctor</p> <p>25 for the foregoing pain, suffering,</p>	<p>Page 176</p> <p>1 MS. KIVITZ: I mean, you know, Rufus,</p> <p>2 it's your Answer. "Plaintiff has not gone to the</p> <p>3 doctor for the foregoing" --</p> <p>4 MR. JENNINGS: It's not my personal</p> <p>5 Answer.</p> <p>6 THE WITNESS: It was my Answer.</p> <p>7 MS. KIVITZ: It's your Verification.</p> <p>8 MR. JENNINGS: It's not my personal</p> <p>9 Answer.</p> <p>10 THE WITNESS: I mean, I don't have a</p> <p>11 problem with you seeing that I went to the doctor</p> <p>12 during -- anytime I went during when I was employed or</p> <p>13 after, but I'm not going to release my records from</p> <p>14 before that.</p> <p>15 BY MS. KIVITZ:</p> <p>16 Q. You know, that's actually the Court's</p> <p>17 determination if we don't agree.</p> <p>18 A. Right. Okay.</p> <p>19 Q. It's not yours; it's not mine.</p> <p>20 A. Okay.</p> <p>21 Q. It goes to the Court.</p> <p>22 A. Well, I thought --</p> <p>23 MR. JENNINGS: Diane? Diane?</p> <p>24 You can argue those issues with me, not</p> <p>25 with my client.</p>

<p>1 MS. KIVITZ: Well, I didn't try.</p> <p>2 MR. JENNINGS: Well, no, you did. If</p> <p>3 you have that issue, you can argue it with me. You're</p> <p>4 not to argue those sort of things with my client.</p> <p>5 MS. KIVITZ: You know, Mr. Jennings, I'm</p> <p>6 not the one who answered the Interrogatory that I</p> <p>7 haven't gone to the doctor.</p> <p>8 MR. JENNINGS: You can move on with the</p> <p>9 deposition, if you like.</p> <p>10 MS. KIVITZ: Okay. But I mean, you</p> <p>11 know, I'm sitting here dealing with an Interrogatory</p> <p>12 Answer, and all of a sudden we learn this information</p> <p>13 contrary to a sworn Interrogatory Answer. So, you</p> <p>14 know, don't tell me, "You can't ask this," or "You</p> <p>15 can't say that." I mean, give me a break here.</p> <p>16 MR. JENNINGS: I'm not saying you can't</p> <p>17 ask questions. I am saying don't argue those issues</p> <p>18 with my client.</p> <p>19 MS. KIVITZ: I'm not arguing anything</p> <p>20 with Ms. Rosetsky.</p> <p>21 MR. JENNINGS: You were, and the record</p> <p>22 will make that clear. You may continue with your</p> <p>23 deposition, if you like.</p> <p>24 THE WITNESS: I'm just not sure the</p> <p>25 doctor --</p>	<p>Page 177</p> <p>1 Q. Can you tell me the other periods in your life</p> <p>2 that you have felt sufficiently stressed that you've</p> <p>3 had the same symptoms? You said once during -- in</p> <p>4 your forties when you were home with the kids.</p> <p>5 What are other times when you have felt the same type</p> <p>6 of stress that would bring on these symptoms?</p> <p>7 MR. JENNINGS: Objection to form.</p> <p>8 THE WITNESS: Well, let me see. I went</p> <p>9 about ten years without sleep because I breast fed</p> <p>10 three kids. That was really stressful. And I had</p> <p>11 stomach problems at that time. I actually had a</p> <p>12 blockage.</p> <p>13 And what other times? That was probably</p> <p>14 the worst time in my life. Oh, I have a child who's</p> <p>15 disabled; so, you know, that caused me a lot of</p> <p>16 distress. And, you know, as he got older and did not</p> <p>17 develop properly, you know....</p> <p>18 But we've come to terms with that. He's</p> <p>19 a pretty good kid. He can read and that kind of</p> <p>20 thing; so it hasn't recently caused me any stress.</p> <p>21 BY MS. KIVITZ:</p> <p>22 Q. Okay. But your periods of sleeplessness, your</p> <p>23 period when you were, I guess, pre-menopausal, your</p> <p>24 son's disability -- all of those have been stressful</p> <p>25 periods where you've had similar symptoms?</p>
<p>1 MR. JENNINGS: Diane? Diane? There's</p> <p>2 no question pending.</p> <p>3 BY MS. KIVITZ:</p> <p>4 Q. You can finish your answer. I don't mind.</p> <p>5 MR. JENNINGS: No. There's no question</p> <p>6 pending.</p> <p>7 THE WITNESS: Go ahead. Ask me another</p> <p>8 question.</p> <p>9 BY MS. KIVITZ:</p> <p>10 Q. Okay. You started to say, "I did not go</p> <p>11 specifically for this."</p> <p>12 MR. JENNINGS: Objection to form.</p> <p>13 THE WITNESS: I have ongoing health</p> <p>14 problems which, when I get stressed out and when</p> <p>15 things happen to me, they get worse.</p> <p>16 BY MS. KIVITZ:</p> <p>17 Q. Okay.</p> <p>18 A. So you asked me, you know, did I go</p> <p>19 specifically, whatever. I can't prove to you that,</p> <p>20 you know, I got diarrhea because I got fired. But I</p> <p>21 can surmise that this was, you know, happening to me.</p> <p>22 So that's why I said I didn't go call up a</p> <p>23 psychiatrist and say, "I want to come in. I'm</p> <p>24 severely depressed." This is a doctor that I've been</p> <p>25 with for fifteen years.</p>	<p>Page 178</p> <p>1 A. On and off, yeah. When I was -- you know,</p> <p>2 when the kids were younger.</p> <p>3 Q. What about other jobs ending? In other words,</p> <p>4 when you left Penn or when you left Wistar or when you</p> <p>5 left --</p> <p>6 A. Well, I wasn't happy. Wistar -- that was so</p> <p>7 long ago. You know, when you're a kid, everything --</p> <p>8 when one door closes, another door opens I looked at</p> <p>9 that as. With Penn I wasn't happy. I mean, she was,</p> <p>10 like -- you know, it wasn't great obviously. You</p> <p>11 know, I come back into the workforce and, you know,</p> <p>12 because I'm older, people are treating me like all I</p> <p>13 can do is, you know, change diapers.</p> <p>14 So, you know, if I came in -- back in</p> <p>15 the workforce as a young mother, they were all treated</p> <p>16 royally. You know, they had their maternity leave and</p> <p>17 came back and still had their jobs. I was not being</p> <p>18 treated that way.</p> <p>19 Q. Okay. My question is: Did you have any</p> <p>20 medical symptoms when you left Penn or when you left</p> <p>21 Wistar or when you left Jeanes?</p> <p>22 A. I was upset after Penn. After Wistar I really</p> <p>23 couldn't tell you. You're talking twenty years ago.</p> <p>24 I don't think I really cared that much. I mean, I was</p> <p>25 upset with the way I was being treated by that man,</p>

<p>1 but, you know. But when you're in your twenties, you 2 don't really....</p> <p>3 Q. What about your divorce? Has that caused you 4 any emotional stress?</p> <p>5 A. Do you really want me to answer that?</p> <p>6 Q. Well, I have to ask you.</p> <p>7 A. No. It doesn't cause me any emotional 8 distress. I mean, of course. I mean, I have three 9 children involved. The divorce -- I mean, everything 10 in the relationship got worse after the money problems 11 got worse and we couldn't pay our health insurance. 12 There's no question that what happened at the National 13 Board absolutely was the coup de grace to my marriage. 14 I mean, you know, I couldn't even pay 15 for my sons' prescriptions. I mean, I have two 16 children with Tourette syndrome. I had \$900 in unpaid 17 prescriptions that are on my charge card. I couldn't 18 pay for, you know, the health care. When you pay for 19 it as a single person on your own, it's not covering 20 like anything.</p> <p>21 Q. Ms. Rosetsky, I have seen an e-mail -- I don't 22 have it here but -- where you, I guess, got angry with 23 your husband while you were still at National Board 24 and e-mailed him that you had gotten notices of 25 insufficient funds and, you know, accused him in the</p>	<p>Page 181</p> <p>1 Q. But I just want to be clear on this, and then 2 we can get more into it later. Have you done 3 anything, whether Checks, Inc., under the table, 4 anything since you've left National Board?</p> <p>5 A. No, I haven't worked for my husband.</p> <p>6 Q. Okay. In the same questionnaire on the 7 discipline version of the questionnaire, they asked 8 for all persons in comparable positions who have had 9 performance or conduct problems.</p> <p>10 A. What is this for?</p> <p>11 Q. In your questionnaire that you filled out, 12 discipline questionnaire. And you indicated Joy 13 Bouldin, B-o-u-l-d-i-n.</p> <p>14 A. Yeah. She had the job before me where she had 15 some kind of -- I'm not saying there were discipline 16 problems. I'm saying she had issues with Kathy with 17 Microsoft Project.</p> <p>18 Q. Okay. Do you know firsthand what happened 19 with Joy Bouldin?</p> <p>20 A. Not firsthand. But Faith and Debbie told me.</p> <p>21 Q. Told you what?</p> <p>22 A. Told me that Joy was siding with the IT 23 Department, that she was an older black woman, and 24 Debbie felt that she was being treated differently 25 because she was black. And they said that, because</p>
<p>1 e-mail of not providing responsibly.</p> <p>2 A. He forgot to put the money in?</p> <p>3 Q. Yes:</p> <p>4 Did you have those -- were those 5 financial issues or your ability -- strike that.</p> <p>6 Were those issues with your husband 7 ongoing?</p> <p>8 MR. JENNINGS: Objection to form.</p> <p>9 THE WITNESS: No. We didn't have money 10 issues. He would just forget to put the money in the 11 bank, and I would get -- and I had things that were on 12 auto pay. So if you don't put it in before the auto 13 pay, then you get NSF. And that's what you're 14 referring to.</p> <p>15 BY MS. KIVITZ:</p> <p>16 Q. Okay. Well, this was while you were still 17 employed at National Board in, I think, the summer?</p> <p>18 A. Right. So, you know, we weren't rich, but we 19 had things under control, you know. But then when I 20 started working, I kind of upped the ante by 21 renovating one of my houses and that type of thing.</p> <p>22 Q. Okay. Now, I'm going to talk to you later 23 about your efforts to find employment since you've 24 left.</p> <p>25 A. Uh-huh.</p>	<p>Page 182</p> <p>1 she was siding with the IT Department, that Kathy just 2 wanted to get rid of her.</p> <p>3 And that's all that I know of it.</p> <p>4 Q. Okay. You don't know of personal knowledge --</p> <p>5 A. I never met her because she was gone before I 6 got there.</p> <p>7 Q. Okay. Now, you also said you heard from 8 others about Dawn Willis?</p> <p>9 A. Yes.</p> <p>10 Q. Okay. Again, do you have any personal 11 knowledge --</p> <p>12 A. She was gone before I got there. I just know 13 what I heard from Debbie and Faith.</p> <p>14 Q. Okay. And what did you hear?</p> <p>15 A. You know, that her and Kathy were at odds, 16 that they were, you know, about the same age. She'd 17 been there for fifteen years and that she was 18 terminated. That's all I know. And that there was 19 some kind of a settlement or something. I don't know 20 a lot about it.</p> <p>21 Q. In our attachment you said that, of the eight 22 managers or directors under Ms. Holtzman, only three 23 were over forty. Is that correct?</p> <p>24 A. I think less than that.</p> <p>25 Q. I have "only three are over forty."</p>

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<p>1 A. Wait. Connie Murray. Let me think. Connie 2 Murray. She was grandfathered in before Kathy became 3 in charge. Peg Johnson was grandfathered in. She was 4 there before Kathy was in charge. And who was the 5 third person? Is it Sue Jachavino (phonetic)? I 6 don't know if Sue was working for her. I forget. But 7 Sue is older, and Sue was demoted when Kathy came into 8 power.</p> <p>9 Q. Okay. Do you know if others have been 10 promoted since you left? People over the age of 11 forty?</p> <p>12 A. The only one that -- oh, over the age of 13 forty? No. I know somebody left because she didn't 14 like the way she was being treated. Her name was 15 Jackie.</p> <p>16 Q. And what's the last name?</p> <p>17 A. I don't know. She was there for, like, not 18 long. I heard she was there -- actually, I was 19 talking to a Human Resource person when I went for a 20 job that knew her, and I don't really know what 21 happened. She was there less than a year. She did 22 complain to me about Kathy.</p> <p>23 Q. Who complained to you about Kathy?</p> <p>24 A. Jackie.</p> <p>25 Q. Do you know of any employee under the age of</p>	<p>1 the way that it was there. She only promoted -- I do 2 know that no one got promoted there that was older 3 than I saw when I was there.</p> <p>4 She promoted Krista Allbee, like I said, 5 who was thirty years old and wasn't even there -- she 6 was in Chicago -- you know, to a position, you know, 7 from kindergarten to twelfth grade with not having to 8 do anything in between.</p> <p>9 BY MS. KIVITZ:</p> <p>10 Q. Is it true that there were also people under 11 the age of forty who did not get promoted?</p> <p>12 MR. JENNINGS: Objection to form.</p> <p>13 THE WITNESS: I don't know.</p> <p>14 BY MS. KIVITZ:</p> <p>15 Q. Can you think of any?</p> <p>16 A. People under forty who did not get promoted?</p> <p>17 MR. JENNINGS: Objection to form.</p> <p>18 THE WITNESS: I have no idea because 19 most of the people that I talked to there were in my 20 peer group, and they were the two women sitting on 21 either side of me. And we were all in our forties 22 except for Faith, who was now going into her fifties.</p> <p>23 BY MS. KIVITZ:</p> <p>24 Q. Okay. I'm going to mark some of these, but 25 I'm going to try not to mark all of them so the</p>
Page 186	Page 188
<p>1 forty who complained about Kathy Holtzman?</p> <p>2 A. Probably Chris DeRucci. I just know a lot of 3 people were really unhappy with her. It could have 4 been Sue behind me. You know, I know people went up 5 to Ron Nungster and were complaining about the 6 department since Kathy's been there in the last four 7 years that they -- I don't know.</p> <p>8 You know, I don't have firsthand 9 knowledge, except I was told by Faith Balsama that 10 Chris DeRucci had complained about her. And that's 11 all I know. She's actually one of the managers.</p> <p>12 Q. Okay.</p> <p>13 A. She's in her mid-thirties, I think.</p> <p>14 Q. Okay. So you would agree that, of people who 15 complained about Kathy Holtzman generally, they were 16 both under forty and over forty?</p> <p>17 MR. JENNINGS: Objection to form.</p> <p>18 THE WITNESS: I don't really know. The 19 only one I really know of is Chris DeRucci. I mean, 20 you'd have to go through her personnel file. I mean, 21 she's no Mother Teresa, but she's a very manipulative 22 woman.</p> <p>23 She kept everything segregated. Like, 24 she had certain people in certain jobs of one age and 25 certain people in another job of other ages. That's</p>	<p>1 deposition transcript is not, you know, ninety million 2 pages long.</p> <p>3 A. Okay.</p> <p>4 Q. So I'm going to ask you if you remember this. 5 But in fairness, if you need to see anything I ask you 6 about, I'm happy to mark it. Okay?</p> <p>7 A. You're going to go through all those 8 (indicating)?</p> <p>9 Q. Well, some of them, the stickered ones.</p> <p>10 Do you remember that in March, '06, you 11 wrote an e-mail to Kathy Holtzman because Krista had 12 brought you some items and she wanted you to fix 13 twenty pages of commas and spelling errors?</p> <p>14 A. Uh-huh.</p> <p>15 Q. You complained to Kathy Holtzman?</p> <p>16 A. Yes.</p> <p>17 Q. Do you recall, at the end of this March 20 18 e-mail, you said:</p> <p>19 This was around 3:30.</p> <p>20 "It's still on my desk to be finished.</p> <p>21 I would like to know what is expected of me 22 with respect to these situations. Obviously, 23 it's your call!"?</p> <p>24 A. Right.</p> <p>25 Q. Do you remember saying that?</p>

	Page 189	Page 191
1 A.	Uh-huh.	1 be doing"?
2	MR. JENNINGS: Yes?	2 A. Yes.
3	THE WITNESS: Yes.	3 Q. You said:
4 BY MS. KIVITZ:		4 "I'm looking forward to working with
5 Q.	What did you mean by "Obviously, it's your	5 Kathy, Kieran, and Krista"?
6 call"?		6 A. Uh-huh.
7 A.	Krista was not my supervisor and was giving me	7 Q. "But I presumed it was with them, not just for
8 work to do, which basically she should have been doing		8 them"?
9 herself because she was just sitting there, talking to		9 A. Yes.
10 people, doing nothing, and she handed that to me. So,		10 Q. Was that your perception that, by fixing
11 you know, I said to Kathy, "I'm supposed to be working		11 someone else's work, it meant that you were working
12 for you, Kathy. Am I supposed to be fixing typos for		12 only for them and not with them?
13 Krista?"		13 A. Yes. I wasn't allowed to give them any of my
14	So I said, "It's your call. If you want	14 work to fix. I wasn't allowed to do any work.
15 me to do it, I'll do it, but I'm not happy about it,		15 Q. Okay. Do you remember then saying about Kathy
16 and I don't feel" -- you know, I didn't really feel		16 Angelucci:
17 that I should be doing that.		17 "I haven't had a problem working with
18 Q.	Okay. And what was Kathy's response?	18 anyone, but you need to have some redeeming
19 A.	Well, she called me into her office and said,	19 quality. I never even got a 'hello'" -- I'm
20 "You know, do you feel it's below you, you know?"		20 sorry. Strike that.
21	And I said, "You know, no. I'll do it	21 Let me repeat it so it's correct.
22 if you want me to." Well, what I really felt was, "Do		22 "I haven't had a problem working with
23 you think it's below you?" I mean, Kathy has one		23 anyone, but you need to have some redeeming
24 third of my education also I should say. So, you		24 quality. I never even got a 'hello' or a
25 know, I felt that it was not my place to be fixing		25 smile from Krista all day."
	Page 190	Page 192
1	typos as a secretary for Krista. I wasn't hired to do	1 A. Right. Krista didn't talk to me or say, "Good
2 that.		2 morning," or anything to me. She just dumped work on
3 Q.	Okay. But did Kathy Holtzman tell you that	3 my desk.
4 was part of what you were being asked to do?		4 Q. Okay. You then said:
5 A.	No.	5 "You said, when you interviewed me, you
6 Q.	Okay.	6 needed someone that doesn't get insulted
7 A.	But I did it. I said, "I'll do it if you want	7 easily. Well, I don't."
8 me to."		8 A. Right.
9 Q.	Okay. And did you do it?	9 Q. Do you believe that you don't get insulted
10 A.	Yeah, I did it.	10 easily?
11 Q.	All right. Do you remember writing an e-mail	11 A. Right. Kathy asked me that. "Do you get
12 on March 21 in which you said:		12 insulted easily?"
13	"Sorry I said -- Sorry," it looks like,	13 And I said, "Is that a premonition of
14 "what I said yesterday because it was late		14 what's to come?" Apparently it was.
15 when I wrote the e-mail"?		15 Q. Okay. Now, we've talked about Erik Sojka
16 A.	No.	16 and --
17 Q.	No. Do you remember saying that:	17 A. Leslie and Debbie.
18	"When we went over my role profile, you	18 Q. Right.
19 asked me what I don't like to do"?		19 MS. KIVITZ: Let me mark this one
20 A.	Uh-huh.	20 (indicating).
21 Q.	"And I couldn't think of anything"?	21 (Whereupon the Reporter marked an e-mail
22 A.	Right.	22 dated April 6, 2006, to Kathy Holtzman from Diane
23 Q.	Okay. And then you said:	23 Rosetsky as Exhibit No. D-16 for identification.)
24	"Well, fixing typos for anyone besides	24 BY MS. KIVITZ:
25 you and Dave is something I didn't expect to		25 Q. Do you want to take a second?

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1 A. No. Because I remember this.	1 technology from you --
2 Q. Okay. Do you remember bringing to Kathy	2 A. Right.
3 Holtzman's attention how this whole development with	3 Q. -- what does that mean?
4 Erik Soijka and Barbara had occurred?	4 A. Because Erik Soijka told me he didn't know
5 A. Say it again?	5 that much about Active Directory, which is what we
6 Q. Okay. Do you now remember -- does this	6 were talking about. So I went, and I researched it,
7 refresh your memory that you brought this whole Erik	7 and I sent him some articles on it. He had admitted
8 Soijka issue to Kathy Holtzman's attention to begin	8 that he was out of touch with what was going on in
9 with?	9 Test Development. He had no idea.
10 A. No, I didn't bring this to her attention.	10 It was Leslie and Barbara Scaramalino
11 This was ongoing. This is when Barbara came and took	11 and Debbie Brown. So when we went up to Erik's
12 me up to Erik Soijka's office when Kathy was in	12 office, he really had no idea what was going on.
13 Florida. There was already tension and problems way	13 Q. Did you feel that your technological skills
14 before this. That's why she came and took me to Erik	14 were comparable to his, surpassed his --
15 Soijka's office. I didn't start this. This started	15 A. I have no idea what Erik Soijka's are; so this
16 way before I was there.	16 was just in jest. I mean, you're kind of
17 And, you know, both Debbie and Faith	17 nit-picking into things which were tongue in cheek
18 said, "This thing with Microsoft Project started way	18 obviously.
19 before you, and Joy Bouldin had the same problem that	19 Q. Well, was it tongue in cheek when he wrote you
20 you had with Kathy, Microsoft Project, and being in	20 the e-mail and you said that you found it juvenile and
21 between IT and her."	21 nauseating?
22 Q. Okay. Tell me what you meant by:	22 A. No. That was just, you know, what I felt.
23 "So after this half-hour discussion,	23 But I didn't say that to him. I said it to Kathy. So
24 it's still up in the air. And Erik Soijka got	24 what's the difference?
25 a lesson about technology and the evolution of	25 Q. What did you mean when you sent Kathy an
Page 194	Page 196
1 the office end users from some former domestic	1 e-mail in April saying:
2 goddess."	2 "Sojka doesn't work for Joe Crick. He
3 A. Yeah. So?	3 works for the guy with the little white hot
4 Q. Just tell me what you meant by that.	4 pants"?
5 A. I was talking to him about the technology and	5 A. Oh, there was a guy that I didn't know who he
6 how we were using it down in our office. And I called	6 was down in the -- we have a gymnasium, and he came
7 myself a "former domestic goddess," not Erik Soijka	7 into the gym wearing little short white pants. And it
8 and not Kathy. I was referring to myself. And this	8 was really inappropriate, and he kind of, like, laid
9 letter was not to Erik Soijka. It was to Kathy. And	9 down in front of me on a ball and was stretched
10 this was, you know -- I don't know. It didn't have	10 backwards. And he came, and he did it a couple times
11 much meaning to it at all.	11 in front of me when I was on the elliptical.
12 I mean, Erik thought that I didn't know	12 And I said something to Kathy, and she
13 anything about the technology and that, you know, the	13 said, "Well, who was it?"
14 end user portion of it -- that we were in the wrong.	14 "I have no idea."
15 This was between him and Kathy on how the end users	15 But then I saw him come up one day and
16 were going to use Microsoft Project. Okay?	16 walk in front of me, and I said, "There he is."
17 So I told him basically that I had	17 And she said, "Oh, he's one of the
18 studied the situation and that I did know what I was	18 Vice Presidents."
19 talking about but that I did not completely agree with	19 So I didn't know his name; so I said,
20 her in the way she was doing things but that I let him	20 "The guy in the white pants."
21 know that I knew what I was doing. So that's all that	21 MS. KIVITZ: I'll ask that this one be
22 that meant.	22 marked (indicating).
23 Q. Okay.	23 (Whereupon the Reporter marked e-mails
24 A. And I still think it's funny.	24 dated April 11, 2006, between Kathy Holtzman and Diane
25 Q. Okay. And when you say he got a lesson about	25 Rosetsky as Exhibit No. D-17 for identification.)

<p>1 BY MS. KIVITZ:</p> <p>2 Q. Is this the e-mail, on the bottom part of the 3 page, that you wrote to Kathy Holtzman concerning Erik 4 Sojka on April 11, '06?</p> <p>5 A. What did you ask me? If I saw this e-mail 6 before? Yes.</p> <p>7 Q. Okay. When you say that:</p> <p>8 "I have to wonder if Joe Crick is a more 9 secure administrator and interested in doing 10 the right thing instead of trying to just look 11 like he is in charge."</p> <p>12 Are you suggesting here that Sojka was 13 not secure and was not interested in doing the right 14 thing?</p> <p>15 A. I don't see the relevancy of this. I'm just 16 wondering why you're asking me about --</p> <p>17 MR. JENNINGS: Diane, just answer the 18 question.</p> <p>19 THE WITNESS: I don't think that Erik 20 Sojka, like I said before, knew what was going on.</p> <p>21 BY MS. KIVITZ:</p> <p>22 Q. Okay. Well, you said here that decisions were 23 based on not liking to be told what to do?</p> <p>24 A. Yes. I thought his decisions were based -- he 25 wrote an e-mail to me. Do you have that one where he</p>	<p>Page 197</p> <p>1 to know -- you know, she would constantly be going 2 back and forth with him over how much information that 3 they had to give them off of Microsoft Project. 4 Q. Okay. 5 A. And he did not want my input on how different 6 ways that Active Directory could be used. Active 7 Directory is actually, like, the security system for 8 it. And he didn't know how to use it, and he said he 9 wasn't familiar with it, that he was kind of removed 10 as an administrator.</p> <p>11 So Kathy had said to me many times that, 12 you know -- she didn't like Erik Sojka, and she wrote 13 to me an e-mail something to that effect. "He twists 14 things. You know, be careful what you say to him." 15 So that's what that was about. 16 Q. Okay. And you sent that e-mail to Kathy 17 basically saying, you know, "What do we do here?" 18 A. Yeah. I just wanted her to know what went on 19 because she was upset because she hadn't been there. 20 Q. And this was during the period when you and 21 Kathy Holtzman, at least in your testimony, were still 22 getting along; correct? 23 A. Yeah. She had no complaints with me. 24 Q. And you had no complaints at this time; 25 correct?</p>
<p>Page 198</p> <p>1 wrote an e-mail to me or -- I think he wrote it to me 2 and Kathy -- where he didn't want my input and he 3 wasn't -- because I had sent him some articles off 4 the Internet about how Active Directory could be 5 used.</p> <p>6 I kind of researched it because he said 7 that he had to research it, that he wasn't sure, and 8 that he wasn't interested. He said he didn't want 9 me -- I don't remember. Something about, you know, 10 "doesn't care what it said" or whatever.</p> <p>11 He didn't care what it was. He didn't 12 seem to care whatever information I sent him, and I 13 thought it was kind of rude that I went to the trouble 14 to find the information for him.</p> <p>15 Q. Okay. Was it your impression that he didn't 16 like you telling him what to do?</p> <p>17 A. I wasn't telling him what to do. I was giving 18 him information, and he didn't want my input.</p> <p>19 Q. Okay. Why did you then say:</p> <p>20 "It is obvious his decisions were based 21 solely on not liking to be told what to do"?</p> <p>22 A. Because he had issues with Kathy trying to 23 tell him how they were going to use Microsoft Project. 24 And Kathy and I had had a lot of discussions over 25 this, and that's what I was referring to. She wanted</p>	<p>Page 200</p> <p>1 A. No, I didn't say that. 2 MR. JENNINGS: Objection to form. 3 THE WITNESS: I didn't say that. I 4 didn't complain to anyone but.... 5 BY MS. KIVITZ:</p> <p>6 Q. Okay. But you trusted her enough that you 7 forwarded the e-mail of someone that you found 8 juvenile and nauseating to get input from her; 9 correct?</p> <p>10 A. I didn't forward it to her. I think it was 11 written to both of us.</p> <p>12 Q. Okay. In any event, you consulted her for her 13 input in terms of how to deal with Sojka; correct?</p> <p>14 A. No. I wasn't supposed to deal with him 15 anymore. She had told me to -- before I said anything 16 to Erik Sojka, including the information that I had, 17 I asked her first, "Can I send this to Erik Sojka?" 18 And she said, "Yes."</p> <p>19 Q. Okay. Look at the top e-mail on that. 20 A. (Complying.) 21 Uh-huh.</p> <p>22 Q. Isn't that when Kathy told you not to go out 23 on your own until you and she had spoken?</p> <p>24 A. Yes. But we did speak.</p> <p>25 Q. Okay. But didn't you send the first e-mail to</p>

	Page 201		Page 203
1	Kathy, seeking her input?	1	tone of voice and, you know, that Barbara was
2	A. Yeah. But I didn't send anything to Erik	2	yelling."
3	Soijka. I sent it to Kathy.	3	And I said, "Well, she wasn't really
4	Q. Correct. But I'm just saying --	4	yelling. We were just kind of talking."
5	A. I don't understand the point here.	5	"You need to put in, you know, certain
6	Q. Am I correct that you valued her consultation	6	things."
7	enough that you forwarded this to Kathy Holtzman?	7	She definitely was bullying me into
8	A. No, I didn't value her consultation. I knew	8	putting things in the e-mail that I did not want to
9	that Kathy could get really nasty if you did anything	9	put in there.
10	without her --	10	Q. Okay. Now, did you have some concern that
11	She was a control freak. Okay?	11	Erik Soijka and his department would be angry at
12	-- if you did anything without asking	12	either you or Kathy or your department for a
13	Kathy first, and everybody knew that. Even Dave	13	professional disagreement?
14	Swanson, who was supposed to be her superior -- he	14	A. I already knew he was angry with the
15	constantly went in and asked Kathy what to do in front	15	department way before I got there; so I just did what
16	of me. She was controlling everything, not Dave.	16	Kathy wanted me to do.
17	Dave was supposed to be in control, but Kathy was.	17	Q. Okay. Did you feel that the memo was in part,
18	Q. Okay.	18	if not in full, directed at sort of protecting your
19	A. So that's why I did this. I didn't do	19	department?
20	anything without asking Kathy first. She knew every	20	A. I was -- you know, it was, like, a chess game
21	single thing that I did except for when I went up to	21	for Kathy. You know, whatever chess move Kathy was
22	the meeting with Barbara Scaramalino when she was in	22	making at that point, you know, that's the way she
23	Florida because I just felt under pressure to go with	23	looked at everything. It wasn't a business
24	Barbara.	24	atmosphere. It was a circus.
25	She was one of the managers. She said,	25	You know, it was just, like, Kathy was
	Page 202		Page 204
1	"Let's go. We're going upstairs to talk to Erik	1	all about being in charge, being manipulative, not
2	Soijka."	2	producing quality work, not getting the best people to
3	Q. Was this around the time that Kathy Holtzman	3	do the jobs, you know, the best people for the jobs.
4	asked you to prepare a memorandum, sort of setting	4	She was all about everything had to be her way, which
5	forth the interactions?	5	is why they got her an executive coached named Kenny.
6	A. The memorandum about Barbara? Yeah, it was	6	I'll say it again. You know, she
7	around this time.	7	discriminated against people. You know, that's the
8	Q. Okay.	8	way that she was, and I was afraid for my job just
9	A. I think it was -- yeah. You should have that	9	like everybody else was. Faith and Debbie -- Debbie
10	memorandum.	10	was a single mother. She was scared to death of
11	Q. Okay. Now, you did compose such a memo;	11	losing her job.
12	correct?	12	And Faith was the sole support of her
13	A. With Kathy's help, yes.	13	Vietnam vet husband whose business was going under.
14	Q. Okay. And at least at that time April 11/12,	14	So, you know, the two of them on either side of me
15	you did not complain to anyone about being asked to do	15	constantly told me, "Be careful of her. You know,
16	so; correct?	16	this is the way that she is."
17	A. I did. I said something to Faith.	17	They kept telling me they wanted to get
18	Q. Okay. Did you ever say to Kathy Holtzman,	18	out of this job. They applied for other jobs. And
19	"Gee, I'm uncomfortable doing this"?	19	Faith always called it "Kathy slime" that she
20	A. Yes.	20	couldn't get out of there. Kathy wouldn't let
21	Q. Did you?	21	her out of the position.
22	A. I kind of said, "You know, I really don't want	22	So I'm telling you that whatever went on
23	to put -- do I really have to put this stuff in	23	here -- this is part of Kathy's manipulation of
24	there?"	24	everyone. That's what it is. And when you have
25	And she's, like, "Yes. You need to put	25	children and you have a job that depends on it -- I

<p style="text-align: right;">Page 205</p> <p>1 stayed there as long as I could and, you know, be 2 stomped on and, you know, belittled and whatever. 3 I stayed there as long as I could. And 4 when I saw that there was a job that I could do and I 5 could do really well and that she could have just put 6 me into without me having to interview, I went for it. 7 And the only reason that she didn't do it was because 8 I'm older and she just wanted to deal with younger 9 people.</p> <p>10 Everybody was younger. That's what she 11 did. She just felt like, you know, "Let's keep the 12 old ladies in the secretary positions." That's what 13 she was doing.</p> <p>14 Q. Now, I guess this question goes to Kathy 15 Holtzman and Elizabeth Bien. When you look back on 16 your employment at Penn and the National Board, both 17 jobs of which you've lost --</p> <p>18 A. Right.</p> <p>19 Q. -- and you know that both Penn and the 20 National Board would deny that there was any form of 21 discrimination or retaliation --</p> <p>22 A. Uh-huh.</p> <p>23 Q. -- my question to you is: Do you ever think 24 there were things that you could have done 25 differently?</p>	<p style="text-align: right;">Page 207</p> <p>1 A. That's a ridiculous question because a job 2 description is never, you know, going to be completely 3 what you're going to be doing. How did I know, when I 4 came in there, that I'm not going to be doing what the 5 job description is? I mean, the job description was 6 what I looked at.</p> <p>7 Just because it's called an 8 "assistant" -- I mean, look at a nurse practitioner. 9 What are you? You're a nurse. So, you know, you're 10 still going to get paid less and be pushed around by 11 the doctors. Why do you take the job? Because there 12 are other aspects of the job that you hope it will end 13 up being okay. That is not what happened.</p> <p>14 They are not the only people that 15 discriminated against you. When I go in even now, you 16 know, they talk to me on the phone, and they say I'm 17 qualified. You know, I'm not saying that I don't get 18 hired because, you know, I come in and they see a 19 fifty-year-old woman.</p> <p>20 I mean, I don't know if Kathy is unique, 21 you know, what she did. I'm sure she isn't. That's 22 why we have E.E.O.C. laws. Did she do it? Yeah, 23 there's no question that she did it. Did she do it to 24 other people? I don't think there's any question that 25 she did it to other people either, that she keeps</p>
<p style="text-align: right;">Page 206</p> <p>1 A. No.</p> <p>2 MR. JENNINGS: Objection to form.</p> <p>3 THE WITNESS: There was nothing I could 4 have done differently. If people are in charge of 5 you -- and this is not a secret to the rest of the 6 world -- they want a drone. They want somebody that's 7 going to be not as qualified as they are, not to put 8 in any ideas or be creative or anything like that.</p> <p>9 First of all, with Elizabeth Bien I was 10 not hired full time at that time. I was in a 11 probationary period. And so the job was not really 12 clear cut what it was. But I just will say that, you 13 know, when your husband has a multi-million dollar 14 grant at the University of Pennsylvania and they hand 15 you a \$100,000 job and the people that are working for 16 you are just "yessing" you to death, that's just the 17 way that it was.</p> <p>18 And did I run into two people like this 19 in a row? Yeah, I did.</p> <p>20 BY MS. KIVITZ:</p> <p>21 Q. But let me ask you this, Ms. Rosetsky: If you 22 feel that a supervisor wants a drone in a position and 23 doesn't want any creativity or things of that nature, 24 why would you ever apply for any position in which 25 you're an assistant?</p>	<p style="text-align: right;">Page 208</p> <p>1 people in a position, you know, according to age and 2 who's easier to manipulate.</p> <p>3 So there's no question. Why did I take 4 the job? I needed a job just like you have a job. 5 That's a ridiculous question.</p> <p>6 Q. What I'm asking you, though, Ms. Rosetsky, is 7 don't you also see a pattern of your being 8 terminated --</p> <p>9 A. No.</p> <p>10 Q. -- for not getting --</p> <p>11 A. No.</p> <p>12 Q. -- along with people?</p> <p>13 A. No. I see a pattern --</p> <p>14 MR. JENNINGS: Objection to form.</p> <p>15 THE WITNESS: I see a pattern of society 16 where they discriminate against people for age, and 17 that's why we have E.E.O.C. laws. That's what I see.</p> <p>18 BY MS. KIVITZ:</p> <p>19 Q. But I'm asking you if you think it's 20 coincidental that --</p> <p>21 A. Two times don't make a pattern. So you need 22 to go back and review your statistics. Okay?</p> <p>23 Q. Okay. But you've also referenced problems 24 that you had at Wistar and problems --</p> <p>25 A. I didn't have problems at Wistar.</p>

<p>1 Q. -- you had at the National Board.</p> <p>2 A. I had no problems at Wistar. Go review my</p> <p>3 personnel records. They had no problems. Actually I</p> <p>4 was promoted. If you'll look, I started out as an</p> <p>5 Editorial Assistant, and I was promoted to Assistant</p> <p>6 Manager. And then I was the Executive Assistant to</p> <p>7 the Associate Director. I was promoted in there; so I</p> <p>8 don't know what you're talking about.</p> <p>9 Q. Okay. The only thing I'm asking you is if you</p> <p>10 ever question whether your own behavior and</p> <p>11 intolerance of some of the people you worked</p> <p>12 with --</p> <p>13 A. No. I never questioned --</p> <p>14 Q. -- was a factor in your termination?</p> <p>15 MR. JENNINGS: Objection to form.</p> <p>16 THE WITNESS: I was never intolerant of</p> <p>17 people, and I was really nice to everyone. It's Kathy</p> <p>18 that had the executive coach, not me.</p> <p>19 BY MS. KIVITZ:</p> <p>20 Q. Okay. I'm going to move on.</p> <p>21 MR. JENNINGS: Let's take a little</p> <p>22 break. Five, ten minutes.</p> <p>23 MS. KIVITZ: Okay.</p> <p>24 (Brief recess.)</p> <p>25 MS. KIVITZ: I just want to put on the</p>	<p>Page 209</p> <p>1 memorialized in the Federal Rules of Civil Procedure.</p> <p>2 MR. JENNINGS: And the Hall decision</p> <p>3 does not apply in this case.</p> <p>4 THE WITNESS: It's getting warm in here.</p> <p>5 MS. KIVITZ: There was going to be a</p> <p>6 question pending of which Counsel was aware.</p> <p>7 MR. JENNINGS: And may I also say for</p> <p>8 the record that in a break Defense Counsel addressed</p> <p>9 two issues with me, one concerning a HIPAA Release and</p> <p>10 one concerning a return of documents or a file on a</p> <p>11 flash drive.</p> <p>12 I told Counsel I would speak to my</p> <p>13 client about it, and they refused to give me the</p> <p>14 opportunity to discuss the issues which they arose.</p> <p>15 MS. KIVITZ: Because there was an issue</p> <p>16 with a --</p> <p>17 MR. JENNINGS: Excuse me. I have not</p> <p>18 finished.</p> <p>19 If Counsel wished to ask those</p> <p>20 questions, they could very well have waited until --</p> <p>21 to address them with me.</p> <p>22 You can go ahead and question --</p> <p>23 MS. KIVITZ: Because there was an issue</p> <p>24 concerning a violation of confidentiality concerning</p> <p>25 the National Board's materials, we felt that it was</p>
<p>Page 210</p> <p>1 record that an issue arose, while the witness was</p> <p>2 still under oath, that we raised with Counsel</p> <p>3 concerning a thumb drive. And I wanted to come in and</p> <p>4 ask questions without the witness being prepared</p> <p>5 pursuant to the Hall case as well as the Federal</p> <p>6 Rules.</p> <p>7 Mr. Jennings walked the witness outside</p> <p>8 of the conference room and outside of the office in</p> <p>9 order to have a conference with her, and I want that</p> <p>10 clear so that there is a record of it. It was</p> <p>11 before -- it was in the middle of questioning and</p> <p>12 before we were about to question concerning what we</p> <p>13 had discussed during the break.</p> <p>14 MR. JENNINGS: And just for the record,</p> <p>15 there was no question pending, and obviously the Hall</p> <p>16 decision only affects discussions of substantive</p> <p>17 testimony at a deposition. It's also a fairly old</p> <p>18 decision. It is not really binding in terms of</p> <p>19 precedent. And the Federal Rules do not address the</p> <p>20 issue of discussions between counsel and a deponent</p> <p>21 concerning nonsubstantive testimony.</p> <p>22 So you can proceed with questioning.</p> <p>23 MS. KIVITZ: I just want to say that the</p> <p>24 Federal Rules memorialize the principles that were</p> <p>25 enunciated in the Hall decision. And they're</p>	<p>Page 210</p> <p>1 important enough to proceed without any separate</p> <p>2 guidance for the witness. And because of that, we</p> <p>3 believe very strongly that the Federal Rules have been</p> <p>4 violated as well as the principles enunciated in the</p> <p>5 Hall decision.</p> <p>6 MR. JENNINGS: And if Counsel feels that</p> <p>7 strongly, I encourage her to file a motion.</p> <p>8 THE WITNESS: Kathy knew I took this</p> <p>9 stuff home.</p> <p>10 MR. JENNINGS: There's no question</p> <p>11 pending, Diane.</p> <p>12 THE WITNESS: Okay.</p> <p>13 BY MS. KIVITZ:</p> <p>14 Q. My question, Ms. Rosetsky, is: Once you left</p> <p>15 the National Board, you still have that thumb drive.</p> <p>16 Am I correct?</p> <p>17 A. It's my thumb drive. Yes.</p> <p>18 Q. Okay. And what is on the thumb drive?</p> <p>19 A. A lot of things: music, documents of my own,</p> <p>20 letters, pictures of my children, different things.</p> <p>21 Q. Okay. What from the National Board of Medical</p> <p>22 Examiners? What materials are on the thumb drive?</p> <p>23 A. To be honest with you, I don't even know if</p> <p>24 it's still on there. How's that? I mean, it was on</p> <p>25 there at one time. I haven't looked at it for a</p>

<p>1 really long time. So, you know, it's got some things 2 on it, a lot of pictures. 3 Q. All right. We are -- 4 A. To be honest with you, I probably have a copy 5 of it. No one's ever seen it. I haven't tried to 6 sell it. I haven't done anything with it. It's just 7 there. There was no intention to do anything with it. 8 I'm not making any money off of it, and nobody's seen 9 it but me.</p> <p>10 I doesn't mean anything to anybody but 11 me. And, you know, it's just there because it's on my 12 hard drive probably on my laptop, and that's it.</p> <p>13 MS. KIVITZ: Okay. We are asking -- and 14 there's no way we can now know this for sure, 15 Mr. Jennings, because the testimony has been diluted 16 by the conference in the interim. But we are asking 17 that the thumb drive be submitted to you in exactly 18 the status it is now.</p> <p>19 And if it becomes an issue at to whether 20 Judge Del Sole needs to take a look at other materials 21 on it that may or may not be redacted, so be it. But 22 we're asking that it not be deleted and that it be 23 made in -- whatever is on it now be maintained, not 24 deleted, not altered in any way, and made available.</p> <p>25 MR. JENNINGS: Can we go off the record</p>	<p>Page 213</p> <p>1 instructing you not to -- 2 MS. KIVITZ: If the thumb drive is here 3 and available, what I'd rather is that we put an 4 agreement -- we make a stipulation on the record, we 5 keep it --</p> <p>6 Wait. Just listen.</p> <p>7 -- that we agree not to review it absent 8 the Court intervening or being present, that you 9 obviously agree not to review it, that it remain 10 intact, and we all stipulate to that. And 11 Judge Del Sole can enter it as an Order.</p> <p>12 But then we can see what's on it that is 13 relevant to the National Board of Medical Examiners 14 without any tampering by anyone.</p> <p>15 MR. JENNINGS: She's testified as to 16 what may or may not be on it. And I am telling you 17 that, if you give me access to a computer in this 18 office right now, she will transfer any and all files 19 relevant to the National Board of Medical Examiners to 20 that computer and then delete them from the flash 21 drive.</p> <p>22 THE WITNESS: Can I ask her a question?</p> <p>23 MR. JENNINGS: No.</p> <p>24 MS. KIVITZ: How long would it take?</p> <p>25 MR. JENNINGS: It's a flash drive. Very</p>
<p>Page 214</p> <p>1 for a second?</p> <p>2 MS. KIVITZ: No, we can't.</p> <p>3 MR. JENNINGS: Okay. Do you have a 4 computer here she can plug it into?</p> <p>5 MS. KIVITZ: Yeah. Sure.</p> <p>6 MR. JENNINGS: Fine. Give us a 7 computer. Let us sit. She will transfer the file to 8 a computer of your choice. Obviously I'm not going to 9 let you watch her transfer the file. I will be there, 10 as an officer of the court, to make sure the file is 11 not modified in any way.</p> <p>12 MS. KIVITZ: I'd rather it be the Court. 13 That's my concern.</p> <p>14 THE WITNESS: You're making a big deal 15 over obsolete slides that they used to teach 16 physicians how to write questions. There is nothing 17 confidential within this database, nothing. I'm not 18 using it to sell it. The while thing --</p> <p>19 MR. JENNINGS: Diane? Diane? There is 20 no question pending.</p> <p>21 And, Counsel, if you have an issue, you 22 can address it with me unless you have a specific 23 question.</p> <p>24 THE WITNESS: It's a waste of time --</p> <p>25 MR. JENNINGS: Diane? Diane? I'm</p>	<p>Page 216</p> <p>1 little time. It's a U.S.B. connection.</p> <p>2 THE WITNESS: If I have it on there, I'm 3 not sure.</p> <p>4 BY MS. KIVITZ:</p> <p>5 Q. How long would it take?</p> <p>6 A. Not long.</p> <p>7 MR. JENNINGS: Couple minutes.</p> <p>8 THE WITNESS: If it lets me. Do you 9 have Microsoft Access on your computer?</p> <p>10 MS. KIVITZ: Yes.</p> <p>11 THE WITNESS: Do you have Office 12 Professional?</p> <p>13 MS. KIVITZ: Yes.</p> <p>14 THE WITNESS: It might let me. I don't 15 know. Sometimes, because of the security on it, it 16 doesn't let you copy it. I could try.</p> <p>17 MS. KIVITZ: Yeah. I would say let's 18 finish the questioning. We'll give it a shot. If 19 not, we can put something on the record.</p> <p>20 MR. JENNINGS: I'll state for the 21 record, if that does not work, Ms. Rosetsky will 22 transfer a copy of the file to me in uncorrupted form. 23 I will immediately transfer it to you in uncorrupted 24 form. And upon signal from you, she will delete it 25 from her computer and from any other drive it is</p>

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1 sitting on.		1 MS. KIVITZ: All right. We will --
2 MS. KIVITZ: The device is here today;		2 MR. JENNINGS: Point to the specific
3 correct?		3 section of any rule that I violated.
4 MR. JENNINGS: She's not sure.		4 MS. KIVITZ: All right. We will see if
5 BY MS. KIVITZ:		5 the thumb drive can be transferred onto a computer at
6 Q. The device itself -- is that here today?		6 the close of the deposition. I want to move on.
7 A. I have a thumb drive with me, but I'm not sure		7 MR. JENNINGS: Go ahead.
8 what's on it. I had it at one point on there.		8 BY MS. KIVITZ:
9 Q. Right.		9 Q. All right. Ms. Rosetsky --
10 MS. KIVITZ: So we could also agree, if		10 A. Yes.
11 it's not transferable, that the device itself --		11 MS. KIVITZ: I'm going to ask that this
12 nobody transfers it to anything. We simply have the		12 be marked as the next exhibit (indicating).
13 device for now, and then when we need to play it, we		13 THE WITNESS: call me "Diane."
14 can do it with the Court being privy to it, if		14 (Whereupon the Reporter marked an e-mail
15 necessary.		15 dated November 22, 2006, to Kathy Holtzman from Diane
16 MR. JENNINGS: No, we're not agreeing to		16 Rosetsky as Exhibit No. D-18 for identification.)
17 give you the thumb drive.		17 BY MS. KIVITZ:
18 THE WITNESS: You can't have my thumb		18 Q. Would you take a look at that, please?
19 drive. It's got other personal things on it.		19 A. Yes. (Complying.)
20 MR. JENNINGS: Diane? Diane? Unless		20 Okay.
21 there's a question pending --		21 Q. Do you recall drafting that e-mail to Kathy
22 THE WITNESS: Okay. Sorry.		22 Holtzman?
23 MS. KIVITZ: I mean, here's my problem.		23 A. Yes.
24 MR. JENNINGS: Apparently you don't		24 Q. Okay. And that e-mail followed your year-end
25 trust me with the thumb drive. Why should I trust you		25 evaluation?
	Page 218	Page 220
1 with the thumb drive?		1 A. Yes.
2 MS. KIVITZ: Because what I'm saying is		2 Q. Okay. And you attached to that the role
3 we would put a stipulation on the record punishable by		3 profile title that you had drafted and published?
4 contempt and sanctions.		4 MR. JENNINGS: Objection to form.
5 MR. JENNINGS: Fine. I'll take the		5 THE WITNESS: Because Kathy brought the
6 thumb drive.		6 wrong one. There was actually one with a similar
7 THE WITNESS: Okay. You need to turn		7 title, but it was not in her department. So that's
8 down the air conditioner now because there's no air in		8 what that meant. She brought the wrong one.
9 there. I'm getting really hot, and I'm menopausal.		9 BY MS. KIVITZ:
10 Would you turn down the air a little bit? There's no		10 Q. Okay. Do you remember what she did bring?
11 air in here. You guys are producing too much hot air.		11 what it was called?
12 MR. JENNINGS: I'll take the thumb		12 A. You know what? I have it at home. I might
13 drive. I'm not going to stipulate that you get it.		13 have it with me. It would take me a while to find it.
14 If you do not trust me with the thumb drive, you know,		14 It was actually a Program Assistant, Test Development
15 you can explain to Judge Del Sole why you don't trust		15 Program Assistant for Test Services, I think, or, you
16 me with the thumb drive.		16 know, Test Services where they actually go out to the
17 MS. KIVITZ: I mean, my problem is I		17 site, I think.
18 wanted to go on the record with this issue, and you		18 Q. Okay.
19 insisted on conferencing contrary to the Federal		19 A. You know, that reminds me. Yeah, there was
20 Rules. So I have lost some modicum of trust.		20 something that was almost the exact title, and Kathy
21 MR. JENNINGS: I did absolutely nothing		21 brought it down, and then I told her that was not it.
22 contrary to the Federal Rules.		22 Q. Okay. And am I correct also that on the role
23 MS. KIVITZ: You did. And now --		23 profile that you did draft in terms of the various
24 MR. JENNINGS: I did absolutely nothing		24 factors where it said "Responsibility for People and
25 contrary to the Federal Rules.		25 Performance," there was none? Is that correct? If

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1	you go to 5.1?	1 A. Yes.
2	A. There were none.	2 Q. And she was your only direct supervisor;
3	Q. Okay. And then same thing under 6.2,	3 correct?
4	"Supervisory/Management Responsibility"?	4 A. No. I think Dave was supposed to be also, but
5	A. None.	5 I'm not sure.
6	Q. Okay. So is it safe to say that you knew from	6 Q. Well, we went to your -- the allegation in
7	the beginning yours was not a managerial or	7 your Complaint before, and you've told me that you
8	supervisory position?	8 alleged that Kathy Holtzman was your only direct
9	A. Yes.	9 supervisor.
10	Q. Okay. Now, you said to Kathy Holtzman in this	10 A. She is. She doesn't let Dave say anything.
11	e-mail:	11 Q. And that was true in the Complaint?
12	"I am not going to complete any further	12 A. I guess.
13	work on the databases."	13 Q. Okay. So you knew she was your supervisor.
14	MR. JENNINGS: Objection to form.	14 What did you mean saying to your boss, "...you lack
15	THE WITNESS: Well, it's out of context.	15 the qualification to evaluate my skills in this area"?
16	BY MS. KIVITZ:	16 A. Exactly that. She doesn't know anything about
17	Q. Okay. Why don't you in your own words tell me	17 IT. She could barely use Microsoft Word. So she was
18	what you said and what you meant?	18 trying to evaluate something. She's telling me that I
19	A. When I went to my review, Kathy was -- let me	19 took too long. I couldn't even get her to look at it.
20	see how to put this. When I went down to the review,	20 I sent her e-mails.
21	Kathy both said that my databases were taking me too	21 I said, "Why don't you please give me
22	long to build and she didn't know how good they were.	22 some feedback on this database and see if I'm going in
23	But on the other hand -- and that's what most of the	23 the right direction with it."
24	negative feedback was on my review. And then after	24 She said, "You're going to need to sit
25	the review, she tells me that she wants me to build	25 down with me and go over it. I don't know how to work
	Page 222	Page 224
1	another database.	1 it." You know, she was very intimidated by it. I did
2	And also in front of Barbara Davidson	2 this a couple times. And then in the end, when she
3	during that review, she said, "I didn't hire you to	3 wanted to retaliate against me, all of a sudden she's
4	build databases." So here she didn't hire me -- I	4 a database expert. You know, she's telling me --
5	wasn't being paid an IT scale. She criticized the	5 I told her -- you know, I said to her
6	databases with having absolutely no idea anything	6 verbally, "Why don't you involve Debbie Brown in
7	about what databases are or how they're constructed.	7 this? She's the only expert on Microsoft Access in
8	And so I told her, "At this point, you	8 this building that I know." There might be some
9	know, you're telling me I wasn't hired to do it. You	9 others.
10	tell me I don't know what I'm doing. It's taking me	10 But, you know, she had no -- everything
11	so long. So I'm not going to do it anymore, you know,	11 that she wrote on my evaluation she had no idea what
12	unless you move me into another position and pay me	12 she was talking about: how long it took, what was
13	what other people are being paid to do this. You	13 involved with it, you know, the scope of what it could
14	know, I'm being discriminated against here."	14 do. She just was all in retaliation.
15	Q. Okay.	15 Q. Okay.
16	A. That's what I meant.	16 A. So that's what I meant. She was unqualified.
17	Q. Okay. Now, you also said to her:	17 It's like if I asked you to translate something from
18	"This will avoid another poor	18 Chinese. Could you do it?
19	performance rating for me in the future as you	19 Q. Okay. But if Kathy Holtzman was your only
20	lack the qualifications to evaluate my skills	20 boss, who did you expect to evaluate you?
21	in this area."	21 A. To evaluate my databases?
22	A. Yes.	22 Q. Your work.
23	Q. What did you mean by -- strike that.	23 A. Dave. Dave had -- you know, Dave loved the
24	You knew that Ms. Holtzman was your	24 databases that I built. He was just afraid of Kathy.
25	direct supervisor; correct?	25 Dave could have had input with this, but --

<p>1 Q. Understand my question. You've alleged in 2 your Complaint that the only person you reported to 3 was Kathy Holtzman, your direct supervisor. Who did 4 you expect to evaluate your work?</p> <p>5 MR. JENNINGS: Objection. Asked and 6 answered.</p> <p>7 THE WITNESS: Yeah. I mean --</p> <p>8 MR. JENNINGS: You can answer it one 9 more time.</p> <p>10 THE WITNESS: You know, sometimes when 11 you are at a job and you're doing things for someone, 12 like --</p> <p>13 Let me give you an example.</p> <p>14 -- someone that's managing a project, 15 you have people working for you, and you don't 16 necessarily know all the applications as well as the 17 people that work for you know them.</p> <p>18 You can do, like, a mock-up or a story 19 board of what you want and what you want the database 20 to do, but you don't know how to build that database. 21 So Kathy didn't know at that level -- she knew kind of 22 what the database was going to do. It was going to 23 catalog her slides.</p> <p>24 As far as how long it took to build and 25 how it was working, she never got involved with it.</p>	<p>Page 225</p> <p>1 what?</p> <p>2 A. Twenty-seven-and-something cents an hour.</p> <p>3 Q. Okay. And annually that was roughly \$50,000; 4 correct?</p> <p>5 A. Roughly?</p> <p>6 Q. I think it was.</p> <p>7 A. Yeah.</p> <p>8 Q. I think I've seen something that it was 9 50,000.</p> <p>10 A. Roughly.</p> <p>11 Q. Okay. So, in effect, you were basically 12 saying, "I won't do this job for 50,000. If you want 13 me to do it, pay me 60,000"; correct?</p> <p>14 MR. JENNINGS: Objection to form.</p> <p>15 THE WITNESS: I asked for a promotion, 16 and that's what I was referring to.</p> <p>17 BY MS. KIVITZ:</p> <p>18 Q. Okay. But it was more than asking --</p> <p>19 A. She took away my raise because I went down to 20 HR to complain. And what she used against me was what 21 I had taken home, worked on overtime for her, and 22 broken my back to do. And then she used it against 23 me. So whatever I said I meant. If she wanted me to 24 continue working in this manner, she had to stop 25 discriminating against me in the manner she was.</p>
<p>Page 226</p> <p>1 And she had no skills to evaluate it. I mean, it's, 2 like, you can't know everything. You have to have 3 people working for you.</p> <p>4 But don't criticize my work, without 5 going to someone that does know what I'm doing, and 6 give me a poor review just to retaliate against me 7 because I went to HR. I mean, she had no way -- like 8 I said, can you translate Chinese? No. But you could 9 hire somebody to help you with a Chinese client.</p> <p>10 Q. Okay. But then you said to her:</p> <p>11 "If you want me to continue my work for 12 you, I expect to be compensated" --</p> <p>13 A. Right.</p> <p>14 Q. -- "at a salary of at least \$60,000."</p> <p>15 Correct?</p> <p>16 A. Right.</p> <p>17 MR. JENNINGS: Objection to form.</p> <p>18 BY MS. KIVITZ:</p> <p>19 Q. Now, you were aware that at least the base on 20 your position before any increase or other issue was 21 \$50,000; correct?</p> <p>22 A. I don't know what the base is. There's 23 actually a chart on line where you can see where it 24 goes from here to here. I mean, I don't really --</p> <p>25 Q. Okay. Well, your starting salary had been</p>	<p>Page 228</p> <p>1 Q. Okay. But I just want to be clear. What this 2 read -- and you said, "I mean what I said," and I 3 agree with that.</p> <p>4 A. I'm not here for the termination. I'm here 5 because I was not promoted and because I was 6 retaliated against terribly. For the last amount of 7 time I was there, it was awful. That's what I'm here 8 for. Whether or not I decided --</p> <p>9 Q. What do you mean you're not here for the 10 termination?</p> <p>11 A. Well, you know, I was terminated, and they're 12 saying that I refused to do my job. I asked for 13 another position in there, not only for a promotion. 14 I said, "Can you just move me to another department?" 15 because they knew how difficult she was being.</p> <p>16 They said, "We can't do that," although 17 they had done it before for other people. And that's 18 what I'm here for. I was not promoted because I was 19 older. That's what I'm here for. And I was 20 retaliated against when I complained about that.</p> <p>21 Q. Okay. But when you say you're not here for 22 the termination, are you saying, "I agree they should 23 have terminated me based on this e-mail"?</p> <p>24 A. No, I'm not saying that at all.</p> <p>25 Q. Okay. Well, then what do you mean you're not</p>

<p>1 here for the termination?</p> <p>2 A. Because my primary complaint was that -- what</p> <p>3 started this whole thing was that she promoted other</p> <p>4 people, would not promote me, was not giving me the</p> <p>5 respect or, you know, the work that was in my job</p> <p>6 description.</p> <p>7 She was trying to keep me and the other</p> <p>8 old ladies in line. And when I went down to</p> <p>9 complain -- and I was not the only one to complain</p> <p>10 about this -- she started doing all kinds of things to</p> <p>11 me. And I had the e-mail that I sent to you what she</p> <p>12 was doing.</p> <p>13 Q. Okay. But I still don't understand what you</p> <p>14 mean by "I am not here because of the termination."</p> <p>15 What do you mean by that?</p> <p>16 A. Well, my main complaint is that she</p> <p>17 discriminated against me for the promotion and that</p> <p>18 after that her retaliation was that she got me fired.</p> <p>19 Q. But you said to me -- and I'm still trying to</p> <p>20 understand what you meant by "I'm not here because of</p> <p>21 the termination. I'm here because of other things."</p> <p>22 A. Well, what started it was the discrimination,</p> <p>23 not being promoted, and the retaliation. So I guess,</p> <p>24 you know, I misspoke if the termination is part of the</p> <p>25 retaliation.</p>	<p>Page 229</p> <p>1 MR. JENNINGS: Objection to form.</p> <p>2 THE WITNESS: No. That's a lie. First</p> <p>3 of all --</p> <p>4 BY MS. KIVITZ:</p> <p>5 Q. Well, you think it was 1 percent.</p> <p>6 A. I was told by Barbara Davidson that it was</p> <p>7 1 percent. And do you consider that a promotion?</p> <p>8 That's a slap in the face when everybody else is</p> <p>9 getting, you know, 8 and 10 percent. How dare you.</p> <p>10 Q. Well, my information is 2 percent.</p> <p>11 But I'm saying the day before or a short</p> <p>12 time before you wrote this e-mail, you had been</p> <p>13 advised that you would be receiving a raise, had you</p> <p>14 not?</p> <p>15 A. No, I was not. No.</p> <p>16 Q. But you knew with the satisfactory evaluation</p> <p>17 it would be accompanied by a modest raise, did you</p> <p>18 not?</p> <p>19 MR. JENNINGS: Objection to form.</p> <p>20 BY MS. KIVITZ:</p> <p>21 Q. You've testified to that.</p> <p>22 MR. JENNINGS: Objection to form.</p> <p>23 THE WITNESS: 1 percent to me is not a</p> <p>24 raise. You figure it out.</p> <p>25 BY MS. KIVITZ:</p>
<p>Page 230</p> <p>1 Q. Okay. Now, you said to her in this e-mail:</p> <p>2 "If you would like me to continue my</p> <p>3 innovative work, I expect to be compensated</p> <p>4 for this level of performance."</p> <p>5 A. Right.</p> <p>6 Q. "This would require a change to an information</p> <p>7 technology type-title at a salary of at least</p> <p>8 \$60,000."</p> <p>9 A. Right.</p> <p>10 Q. "If not, I am sure that Technology Services</p> <p>11 could build you anything you need."</p> <p>12 A. Right.</p> <p>13 Q. Okay. Didn't you feel that you were inviting</p> <p>14 the National Board to terminate you and have</p> <p>15 Technology Services build them whatever they needed?</p> <p>16 MR. JENNINGS: Objection to form.</p> <p>17 THE WITNESS: She had already decided to</p> <p>18 fire me. Barbara, you know, made that clear.</p> <p>19 BY MS. KIVITZ:</p> <p>20 Q. Well, you had just received a modest promotion</p> <p>21 at your evaluation, had you not?</p> <p>22 A. No. Where did you get that from?</p> <p>23 Q. Well, you were deemed satisfactory, and you</p> <p>24 were going to receive a 2 percent increase in your</p> <p>25 salary, were you not?</p>	<p>Page 230</p> <p>1 Q. Is 1 percent more than zero percent?</p> <p>2 A. You need to look at this in context in the</p> <p>3 comparison of what she was doing. This is 200 percent</p> <p>4 retaliation. She knew it. She did it intentionally.</p> <p>5 There's no one else -- you show me someone else that</p> <p>6 got 1 percent in there.</p> <p>7 Q. Okay. Is 2 percent more than 1 percent?</p> <p>8 MR. JENNINGS: Objection to form.</p> <p>9 THE WITNESS: It's nonsense. I'm not</p> <p>10 going to answer it</p> <p>11 BY MS. KIVITZ:</p> <p>12 Q. Okay. Do you know what 2 percent of</p> <p>13 50,000 is?</p> <p>14 A. 2 percent of 50,000?</p> <p>15 MR. JENNINGS: Objection to form.</p> <p>16 THE WITNESS: Yes.</p> <p>17 BY MS. KIVITZ:</p> <p>18 Q. What is it?</p> <p>19 A. \$1,000.</p> <p>20 MR. JENNINGS: You can do the math.</p> <p>21 THE WITNESS: 1,000 divided by three</p> <p>22 hundred fifty-six days a year. How much would that</p> <p>23 give me?</p> <p>24 BY MS. KIVITZ:</p> <p>25 Q. Okay. So --</p>

	Page 233	Page 235
1 A. Fifty cents a day more. Thank you.		1 databases, pay me on an IT scale, and I'll do it."
2 Q. So you wrote this the day after you knew you		2 BY MS. KIVITZ:
3 would be receiving a \$1,000 annual increase?		3 Q. Okay. But I'm just looking at your words.
4 MR. JENNINGS: Objection to form.		4 A. You're going to have to ask her why she said I
5 THE WITNESS: No.		5 was not hired to do databases, that I was taking too
6 BY MS. KIVITZ:		6 long, and whatever else. I wish you would pull out
7 Q. Well, when did you write it?		7 the -- her criticism of me. You know, why don't you
8 A. Didn't I write it the same day?		8 pull that out and read that because that's really
9 Q. Okay. I'm sorry. You wrote this the same day		9 helpful what she did.
10 then that you knew you were receiving a \$1,000 annual		10 A woman that knows nothing about what I
11 increase?		11 was doing decided that I wasn't doing it right but
12 A. Well, I'll tell you what. If the jury thinks		12 that she still wanted me to do it but for, you know,
13 that out of 10 percent I got a 1 percent --		13 a fraction of what the other people were doing it for.
14 MR. JENNINGS: Diane? Diane? Please		14 Q. Okay. But --
15 just answer the question.		15 A. And that's all I'm going to say about it. And
16 THE WITNESS: I don't consider that an		16 I think I've made myself really clear.
17 increase. Okay? That was done in retaliation after I		17 Q. Well, I appreciate your clarity, but I just
18 worked overtime, was not paid for it, never was late,		18 want to understand this.
19 hardly out at all, did all of my work perfectly. This		19 A. You understand it. I'm finished.
20 whole thing was in retaliation, and I would swear on a		20 Q. Excuse me?
21 stack of Bibles and on the lives of my children that		21 A. I'm finished with that question.
22 this is what this woman did. Okay?		22 Q. Okay. I'll ask you another one. That's my
23 BY MS. KIVITZ:		23 job at a deposition. You understand that?
24 Q. Okay. But, Ms. Rosetsky, didn't you, when you		24 A. Okay.
25 wrote this e-mail, really tell your supervisor you		25 MR. JENNINGS: Well, Counsel, please do
	Page 234	Page 236
1 weren't going to do this work anymore?		1 not argue with my client. You may ask her questions.
2 A. I was not going to do the work that she gave		2 You may not argue with her.
3 me a negative review for. Yes. She was criticizing		3 MS. KIVITZ: Mr. Jennings, I think I've
4 me. And I think anybody else that saw this clearly		4 been rather patient under the circumstances.
5 what happened where I was criticized by an English		5 MR. JENNINGS: That does not give you --
6 person that doesn't speak Chinese for my Chinese, you		6 please do not argue with my client.
7 know, diction --		7 BY MS. KIVITZ:
8 Q. Okay.		8 Q. Ms. Rosetsky, you were looking for other
9 A. You know, it was ridiculous. The whole thing		9 employment throughout the time that you worked at the
10 was in retaliation. And for me to have to keep		10 National Board, were you not?
11 repeating myself --		11 MR. JENNINGS: Objection to form.
12 Q. Okay.		12 THE WITNESS: Once in a while I sent out
13 A. It's retaliation. That's all.		13 resumes towards the end.
14 Q. Now, the database work that you were doing was		14 MR. JENNINGS: My objection is the word
15 part of your role profile; correct?		15 "throughout" is vague. It implies she was looking for
16 A. Yes.		16 work since day one. If you'd like to clarify a
17 Q. Okay. So wasn't this a way of saying, "I'm		17 specific time frame, I'll remove the objection.
18 not going to work on the database anymore, plus I'm		18 THE WITNESS: I had resumes that were
19 not going to do clerical work for you either"? I		19 still pending from other places.
20 mean, didn't you really say both things?		20 BY MS. KIVITZ:
21 MR. JENNINGS: Objection to form.		21 Q. Okay. Where were some of the places you were
22 THE WITNESS: Actually she told me, when		22 looking?
23 I was in HR that same day, that I was not hired to do		23 A. A majority of them were University of
24 databases. She said it in front of Barbara Davidson.		24 Pennsylvania.
25 So after she said that, I said, "If you want me to do		25 Q. Okay. Now, you had been terminated from the

<p style="text-align: right;">Page 237</p> <p>1 University of Pennsylvania just the summer before; 2 correct?</p> <p>3 A. Yes. And my supervisor told me to -- "You may 4 look for other jobs at Penn."</p> <p>5 Q. Okay. But did you think it might be more 6 fruitful to look other places also where you had not 7 been previously terminated?</p> <p>8 A. No. It didn't matter because there's so many 9 different Human Resource Departments there and 10 different colleges. It's very dispersed.</p> <p>11 Q. Okay.</p> <p>12 A. And I had a recommendation from her. So, you 13 know....</p> <p>14 Q. Where were some of the other places you 15 looked?</p> <p>16 A. Drexel, drug companies, all different places.</p> <p>17 Q. Okay. When did you decide that you did not 18 want to stay at the National Board? What month would 19 you say?</p> <p>20 A. October.</p> <p>21 Q. Of what year?</p> <p>22 A. Let's say it was about October when she 23 just -- you know, she just really started getting out 24 of hand.</p> <p>25 Q. Okay. Isn't it true that you actually began</p>	<p style="text-align: right;">Page 239</p> <p>1 A. I may have applied even before that. I mean, 2 it could have just been in their database.</p> <p>3 Q. Okay. And you had an interview --</p> <p>4 A. Uh-huh.</p> <p>5 Q. -- in June?</p> <p>6 MR. JENNINGS: Is that "yes"?</p> <p>7 THE WITNESS: Yes.</p> <p>8 BY MS. KIVITZ:</p> <p>9 Q. Okay. And that was during a period of time, 10 at least that you've indicated, you were not unhappy 11 at the National Board?</p> <p>12 MR. JENNINGS: Objection to form.</p> <p>13 THE WITNESS: I did not indicate that.</p> <p>14 BY MS. KIVITZ:</p> <p>15 Q. Okay.</p> <p>16 A. You asked me when did I decide to start 17 looking for other jobs?</p> <p>18 Q. Right. You told me October.</p> <p>19 A. Yeah, generally. But I still sent out some 20 other resumes. I didn't say I didn't.</p> <p>21 Q. Okay.</p> <p>22 A. Well, this one actually probably was really 23 old. It may have been from the September before. 24 Sometimes it takes them six months to get to you.</p> <p>25 Q. Okay.</p>
<p style="text-align: right;">Page 238</p> <p>1 looking much earlier than October for another 2 position?</p> <p>3 A. No, not really. I think most people send out 4 sporadic resumes, just fishing.</p> <p>5 MS. KIVITZ: Do you want to mark that 6 (indicating).</p> <p>7 (Whereupon the Reporter marked e-mails 8 dated June 6 and June 21, 2006, between Diane Rosetsky 9 and Temple and Drexel as Exhibit No. D-19 for 10 identification.)</p> <p>11 BY MS. KIVITZ:</p> <p>12 Q. All right. I'm showing you an e-mail sent out 13 June 6 -- a couple of them, and then another one sent 14 June 21. Do you see those?</p> <p>15 A. Right.</p> <p>16 Q. Can you tell me what they are?</p> <p>17 A. They are from a doctor at Penn.</p> <p>18 Q. Who is a doctor at Penn?</p> <p>19 A. No, she's not. She's a Director of Finance at 20 Penn, Marie Nanashee.</p> <p>21 Q. Right. Is it Penn, or is it Drexel?</p> <p>22 A. This is Penn or Drexel? Oh, it's Drexel.</p> <p>23 Okay.</p> <p>24 Q. All right. So is it correct that you had 25 applied for a position with Drexel back in June, 2006?</p>	<p style="text-align: right;">Page 240</p> <p>1 A. And I'm thinking that's what happened here 2 because it says I needed to attach an updated resume 3 because it was old and outdated.</p> <p>4 Q. All right. But you --</p> <p>5 A. This is from before I worked at the Board.</p> <p>6 Q. All right. But you accepted the interview; 7 correct?</p> <p>8 A. Yes.</p> <p>9 Q. Okay. And you had a job interview on June 6?</p> <p>10 A. Uh-huh. Yes.</p> <p>11 Q. Okay. Now, could you look at the next page?</p> <p>12 A. Yes.</p> <p>13 Q. This was a Temple position?</p> <p>14 A. Uh-huh.</p> <p>15 MR. JENNINGS: Is that "yes"?</p> <p>16 THE WITNESS: Yes.</p> <p>17 BY MS. KIVITZ:</p> <p>18 Q. And is that also a position you applied for?</p> <p>19 A. Yes. But it was probably a long time ago 20 because they're asking for an updated resume.</p> <p>21 Q. All right. And that was also in June of 2006?</p> <p>22 A. Yes. And I never went to any interviews at 23 Temple.</p> <p>24 Q. Okay.</p> <p>25 MS. KIVITZ: And then I guess we'll mark</p>

	Page 241		Page 243
1	this the next exhibit (indicating).	1	me. And I took it as referring to the fact that she
2	(Whereupon the Reporter marked an e-mail	2	didn't want me talking about her to HR.
3	dated August 22, 2006, to HospitalMedicine.org from	3	BY MS. KIVITZ:
4	Diane Rosetsky as Exhibit No. D-20 for	4	Q. Okay. After you had the discussion with her
5	identification.)	5	about not talking to other employees, did you stop
6	BY MS. KIVITZ:	6	talking to either Faith Balsama or Debbie Shelmine
7	Q. Can you tell me what that is?	7	7 about your grievances with Kathy Holtzman?
8	A. Actually I'm not really sure where this is	8	A. Actually I asked Debbie what was going on
9	from. "HospitalMedicine.org." It could have been a	9	9 because she -- Kathy called both Faith and Debbie into
10	headhunter that contacted me. I don't know.	10	10 her office -- and this was as per Debbie Shelmine --
11	Q. All right. And what date was that?	11	11 and asked them to sign off and write bad things about
12	A. Was this? August.	12	12 me, and they refused. So I did somewhat talk to them
13	Q. Okay. During the time period that you worked	13	13 about what was going on. Kathy tried to get them to
14	at the National Board, did you ever stop looking for	14	14 write negative things about me, and they both refused.
15	another position that might be --	15	Q. All right. Now, I know in November you had
16	A. I wasn't actively looking, but, you know, I	16	16 forwarded the shooting article to Faith Balsama and
17	think that anyone that's not self-employed continually	17	17 Debbie Shelmine.
18	sends out resumes. I mean, I know most of my friends	18	A. Uh-huh.
19	do that. I mean, if somebody finds something better,	19	MR. JENNINGS: Objection to form.
20	you take it. If not, you stay where you are. I	20	BY MS. KIVITZ:
21	didn't know it was against the law.	21	Q. But did you also have other e-mails to either
22	Q. Now, there also came a time that Kathy	22	22 one of them concerning your communications with Kathy
23	Holtzman asked you to start keeping track of your	23	23 Holtzman?
24	hours?	24	A. Maybe. I don't remember.
25	A. That was after I complained at HR. She	25	Q. Was it after she specifically asked you not to
	Page 242		Page 244
1	started singling me out.	1	bother other employees with these issues?
2	Q. Do you remember when it was that she asked you	2	MR. JENNINGS: Objection to form.
3	initially to keep track?	3	THE WITNESS: I don't remember. If you
4	A. Yes. It was after I went down to complain to	4	have e-mails, then you can show them to me.
5	HR. She sent me an e-mail that very day. "I want to	5	BY MS. KIVITZ:
6	know exactly what you're doing hour to hour. I want	6	Q. Okay.
7	you to start billing your time." She never asked me	7	A. Actually as I recall, Faith came up to me and
8	8 to do any of this before.	8	asked me what was going on several times, and so did
9	Q. Okay. And did there also come a time when she	9	9 Debbie.
10	10 asked you not to discuss your issues with her with	10	Q. Was it after a time that Kathy Holtzman had
11	11 other employees in the office?	11	11 asked you not to speak to other people?
12	A. Yes. And she also said to me, "I don't want	12	A. Yes. They came up to me and started asking me
13	13 you discussing" -- after we came back from HR, she	13	13 questions.
14	14 said, "I don't want you discussing these issues with	14	Q. Did you speak to them?
15	15 anyone." And what she was referring to was she didn't	15	A. I don't remember.
16	16 want me discussing these issues with HR. That's what	16	Well, obviously I must have said
17	she was talking about.	17	something. I said, "I just had a meeting. That's
18	Q. Okay. But was there also a time that she	18	all."
19	19 asked you specifically not to discuss issues that you	19	Q. Did you e-mail Faith Balsama?
20	20 and she were having with other employees?	20	MR. JENNINGS: Objection to form.
21	MR. JENNINGS: Objection. Asked and	21	THE WITNESS: Did I e-mail Faith?
22	answered.	22	Faith, who was spraying the holy water on Kathy's
23	You can answer it once more.	23	23 office every time she wasn't there? This is true. I
24	THE WITNESS: After we had the meeting	24	24 don't remember, to tell you the truth.
25	and she was called to HR, that's when she said that to	25	BY MS. KIVITZ:

<p style="text-align: right;">Page 245</p> <p>1 Q. Okay. Do you remember e-mail communications 2 between you and Faith on November 8, 2006, where Faith 3 told you basically before that, "I'm not on your 4 crusade"?</p> <p>5 A. Now she wasn't on my crusade. Right.</p> <p>6 Q. Okay.</p> <p>7 A. First she was on my crusade and encouraged me 8 to go down to HR and complain about Kathy. And all of 9 a sudden when it was raise time, she wasn't on my 10 crusade.</p> <p>11 Q. Okay. And do you remember she -- you wrote to 12 her on November 8 and said, "It's not a crusade. She 13 was going too far. Remember she threw my edits in the 14 trash. She belittled me with copying and sorting"?</p> <p>15 A. Right.</p> <p>16 Q. "She was disrespectful."</p> <p>17 A. Right.</p> <p>18 Q. Do you remember that?</p> <p>19 A. I don't remember, but it's possible.</p> <p>20 Q. Okay. And do you remember that Faith turned 21 around and said:</p> <p>22 "You need -- it's like poker. You need 23 to know when to show them and when to hold 24 them. Now you're on your way to the OK Corral 25 shoot-out."</p>	<p style="text-align: right;">Page 247</p> <p>1 It was like I had the same feeling where 2 I keep taking work home and felt like I was working, 3 working, working. I was doing her database. 4 -- they didn't care. All they cared 5 about was -- they didn't care about the quality of 6 work or how the department was. All they cared about 7 was how it looked for them being in charge and them 8 making the decision and them being the creative ones. 9 And I kept my mouth shut. It doesn't 10 matter when you keep your mouth shut. If the person, 11 you know, has made a decision that you're maybe a 12 threat to their position or you're not submissive 13 enough that, you know, something's going to happen. 14 And that's the same feeling I was getting. Whether or 15 not you are an excellent worker, it doesn't matter. 16 People just don't really seem to care. Certain 17 people.</p> <p>18 Q. Okay. Now, do you remember when Faith said to 19 you that same day: 20 "Your crusade has gone too far now. You 21 need to back off and move on. I think that 22 the damage that's been done is permanent, and 23 I don't want to be involved in this mess"?</p> <p>24 A. Uh-huh.</p> <p>25 MR. JENNINGS: Is that a "yes"?</p>
<p style="text-align: right;">Page 246</p> <p>1 A. She probably said that because -- actually 2 yes.</p> <p>3 Q. You remember that?</p> <p>4 A. She did say that, and that really showed her 5 colors a lot, what she was really about.</p> <p>6 Q. Okay. Do you remember your response was: 7 "I kept my mouth shut with an almost 8 identical situation at Penn, and look where 9 that got me. I had nothing to lose. Either 10 way she was making this situation very 11 uncomfortable for me."</p> <p>12 A. Right.</p> <p>13 Q. Okay. So when you say you kept your "mouth 14 shut with an almost identical situation at Penn," what 15 did you mean there?</p> <p>16 A. When I worked for Liz Bien, it was the same 17 thing that happened with the technology. And, you 18 know, she just figured I was some diaper changer that 19 had come back to work, and she just wanted me to 20 organize her luncheons. And she became intimidated by 21 the technology and just wanted me to do clerical work 22 and that kind of thing.</p> <p>23 And I never said anything. I just went 24 along with it. And no matter what I did and how much 25 work I did --</p>	<p style="text-align: right;">Page 248</p> <p>1 THE WITNESS: Yes.</p> <p>2 BY MS. KIVITZ:</p> <p>3 Q. Did you stop e-mailing her after that time?</p> <p>4 A. I don't remember. She came over to my desk 5 and was talking to me, and we had a little argument 6 for the first time. We had actually been really good 7 friends, but, you know, it was, like, you know, what 8 Kathy had done to my predecessors, turning people 9 against them.</p> <p>10 So, you know, basically people are 11 worried about their salaries especially, like, Debbie 12 and Faith, who don't have any other income. So, you 13 know, they will go where the money is, and that's the 14 way people are, and I'm not. I'm a very -- you know, 15 I don't know how, but I still haven't lost my ideals, 16 and the rest of the world has.</p> <p>17 Q. Okay. Do you know what Faith meant when she 18 said to you that same day: 19 "You still have your power of free will 20 choice which can influence your destiny"?</p> <p>21 Do you know what she was referring to?</p> <p>22 A. Yes. That if I wanted to stay there and be an 23 idiot and, like, you know, just be complacent with 24 doing a job that wasn't effective or I was 25 overqualified for, that I would just sell out for the</p>

<p style="text-align: right;">Page 249</p> <p>1 money and just stay there for the money. That's what 2 it means to me.</p> <p>3 Q. Well, hadn't you sent her first an e-mail that 4 talked about "powerful Mars, the planet of surprises 5 and breakthroughs"? Do you recall that?</p> <p>6 A. No. That would be her sending it to me.</p> <p>7 Faith is a religious fanatic and, like, a 8 spiritualist. So I don't think I sent that.</p> <p>9 MS. KIVITZ: Do you want to mark this 10 (indicating).</p> <p>11 THE WITNESS: I'm not superstitious. (Whereupon the Reporter marked e-mails 13 dated November 8, 2006, between Diane Rosetsky and 14 Faith Balsama as Exhibit No. D-21 for identification.)</p> <p>15 THE WITNESS: Oh, I copied her my 16 horoscope. I didn't write this. This is a cut and 17 paste from a horoscope.</p> <p>18 BY MS. KIVITZ:</p> <p>19 Q. Okay. And what was the reference "powerful 20 Mars"? Was that --</p> <p>21 A. I have no idea because I don't understand 22 astrology. I was giving it to her for her to explain 23 it to me. She was into that stuff.</p> <p>24 Q. Okay. Didn't you mean by that that you were 25 out there and you were taking on Kathy Holtzman and</p>	<p style="text-align: right;">Page 251</p> <p>1 Q. Okay. And she wrote a reference for you? 2 She's an attorney in-house someplace?</p> <p>3 A. Yes.</p> <p>4 MS. KIVITZ: Okay. Would you mark this, 5 please (indicating). (Whereupon the Reporter marked e-mails 7 dated October 24, 2006, between Diane Rosetsky and 8 Renee Brock as Exhibit No. D-22 for identification.)</p> <p>9 BY MS. KIVITZ:</p> <p>10 Q. Let's go to the first one first, the one at 11 8:51 in the morning.</p> <p>12 A. Uh-huh.</p> <p>13 Q. Can you read that?</p> <p>14 A. "Well, will see if they finally drop a house on her."</p> <p>16 Q. No, no, no. The bottom one first, 8:51.</p> <p>17 A. "Well, the shit hit the fan yesterday. 'My boss,'" in quotes, "sent me an e-mail full of crap, and I sent one back about five hundred words that basically I wasn't going to take her derisive comments and condescending assignments anymore."</p> <p>23 Q. Okay. First of all, why did you put "boss" in 24 quotes?</p> <p>25 A. Why did I put "boss" in quotes?</p>
<p style="text-align: right;">Page 250</p> <p>1 you were going to be powerful?</p> <p>2 MR. JENNINGS: Objection to form.</p> <p>3 THE WITNESS: No. I'm true to myself. 4 That's the only one that I'm true to. I'm just being 5 true to my ideals and my beliefs. And I'm a person 6 that doesn't sell out for money like the other two 7 did.</p> <p>8 They were suffering -- those two people 9 that I worked with. Faith was crying at times often 10 while I was there by the way Kathy treated her and 11 spraying holy water in her office. Debbie was totally 12 depressed. She hated her job. She consistently 13 stated how she wanted to get away from Kathy and how 14 she had applied for other jobs and she couldn't get 15 out of that position.</p> <p>16 And I said, "You know, did you ever 17 think that it's because we're all older? We're all 18 the same age here. Look at the three of us: We're 19 all in our forties, and we can't get out of this 20 position here."</p> <p>21 So that's what it meant. I am true to 22 myself.</p> <p>23 BY MS. KIVITZ:</p> <p>24 Q. Okay. Now, you have a friend Renee Brock?</p> <p>25 A. Yes.</p>	<p style="text-align: right;">Page 252</p> <p>1 Q. Yes.</p> <p>2 A. Because I don't consider someone that acts 3 with the ethics and morals of this person to be really 4 a boss to anyone.</p> <p>5 Q. Okay. But she really was your supervisor at 6 the National Board; correct?</p> <p>7 MR. JENNINGS: Objection. Asked and 8 answered.</p> <p>9 THE WITNESS: Yes. But she didn't 10 belong being -- you know, she just was not morally and 11 ethically the type of person that should have been in 12 that position. And I didn't like calling her a "boss" 13 because I didn't have any respect left for her the way 14 that she operated.</p> <p>15 BY MS. KIVITZ:</p> <p>16 Q. Okay. Do you want to read the next part?</p> <p>17 A. "I had a prescheduled meeting that afternoon, 18 and I walked in and asked if we still had the 19 meeting. She said she really didn't have 20 anything to say and that I should not have 21 used the e-mail to voice my feelings and that 22 I was disrespectful."</p> <p>23 Yeah. She didn't like e-mail traces.</p> <p>24 So I was told by Faith to make sure that I use the 25 e-mail when I discuss anything with her so that</p>

<p>1 there's a record of it. And that's what I did. 2 Q. Okay. The next line? 3 A. "Ha! She then came out and addressed the 4 issue of the database that had taken me six 5 months to build, that I was to work with her 6 assistant and fine tune it.</p> <p>7 "I never felt so good in my life. I had 8 nothing left to lose once she said maybe I 9 should start looking for another job. Hey, 10 I'm not going anywhere. I spoke to one of the 11 senior management, and they are aware of the 12 problems she is causing here. There have been 13 many complaints. I should have done this when 14 I was at Penn. I just send all my 15 communications with her to HR."</p> <p>16 Q. Okay. So you felt it was a better strategy, 17 when you didn't like your supervisor, to deal with HR 18 rather than the supervisor?</p> <p>19 A. I tried to deal with her, and then after that 20 didn't work, I went to HR at Faith's suggestion 21 several times. "Go to HR." So I went to HR.</p> <p>22 Q. And in second-guessing what happened at Penn, 23 you felt that, instead of dealing directly with 24 Elizabeth Bien, you should have started dealing with 25 HR?</p>	<p>Page 253</p> <p>1 Q. Okay. Do you remember which department that 2 was? 3 A. Family Medicine. 4 Q. Okay. And you interviewed at Drexel in June? 5 A. Uh-huh. 6 Q. Did you interview anywhere else? 7 A. No. I don't think so. 8 Q. Would you have interviewed at Temple if they 9 had offered you an interview? 10 MR. JENNINGS: Objection to form. 11 THE WITNESS: Yes. 12 BY MS. KIVITZ: 13 Q. Okay. So I'm curious why you said, "I'm not 14 going anywhere," if you actually were looking to 15 leave? 16 MR. JENNINGS: Objection to form. 17 THE WITNESS: I don't understand the 18 question. 19 BY MS. KIVITZ: 20 Q. Well, let me go back and ask you this way: 21 What did you mean by "I have never felt so good in my 22 life"?</p> <p>23 A. Because I stood up for myself for someone that 24 I knew was doing something wrong to me and 25 inadvertently would cause problems in my family life.</p>
<p>1 A. Right. Uh-huh. 2 Q. And when you said, "Hey, I'm not going 3 anywhere," what did you mean by that? 4 A. That I wasn't going to quit, that I was going 5 to try to stay there and see if I could get another 6 position. 7 Q. Well, hadn't you already been looking for a 8 job, as you said, on and off for really the full year? 9 A. Not seriously. No. I mean, every job that I 10 ever had I've sent out resumes while I was there. I 11 think everyone does that unless you own your own law 12 firm, of course. 13 Q. Okay. But you had sent out resumes, and you 14 had gone to some interviews; correct? 15 A. I went to, I think, one interview. 16 Q. Which one? 17 A. Drexel. I'm trying to remember. I think I 18 had an interview at Drexel. 19 Q. Did you have any interviews at Penn during -- 20 A. Actually I think I did have an interview -- I 21 think one interview at Penn. 22 Q. When was that? 23 A. I don't remember. 24 Q. Does August sound about right? 25 A. Maybe.</p>	<p>Page 254</p> <p>1 And that's it. 2 Q. Okay. And you felt so good about it that you 3 told your good friend Renee Brock what you had done; 4 correct? 5 A. Yes. 6 Q. Okay. 7 A. Because I held it in for a while there, what 8 was going on. 9 Q. Okay. And she wrote back with some 10 suggestions maybe to work from home and do consulting 11 and things like that? 12 A. Uh-huh. Right. 13 Q. Okay. And what did you write back to her that 14 same day? Just the first line. 15 A. "Well, will see if they finally drop a house 16 on her," and in parentheses, "my boss." 17 Q. What did you mean by that? 18 A. Well, it's from the "Wizard of Oz." When 19 someone's like a witch, you know, the house was 20 dropped on her. I just meant that finally, after all 21 the complaints and all the people -- four people that 22 had been in my job, that maybe the administration 23 would finally stand up to her. 24 Q. Okay. Did you agree with Renee Brock that 25 women are harder to work for than men? Women</p>

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1 supervisors?	1 HR. As a matter of fact, I tried to get her to look
2 A. Did I agree with her? I had never worked for	2 at what I was doing to make sure I was going in the
3 a man; so, you know, I really didn't have any --	3 right direction, and she refused to look at it. She
4 couldn't give her any input on that.	4 never had time. And also she was yelling at me that I
5 Q. Well, didn't you work for Dr. Cheston at	5 wasn't allowed to come in her office. I wasn't
6 Wistar?	6 allowed to talk to Dave.
7 A. Oh, yeah, I did work for him.	7 She yelled at me down the hallway
8 Q. And Kurt Mayer?	8 because I was talking to Dave. She said, "You're not
9 A. Yeah. I forgot that. That's twenty years	9 allowed to talk to Dave." And then after I went to HR
10 ago. I guess I really didn't take that into account.	10 and I told them that, all of a sudden I get this
11 But, no, I didn't necessarily agree with her. I	11 e-mail that "And you can go to Dave if you have a
12 just --	12 problem."
13 Q. Okay. So your reference to finally dropping a	13 But I'm not the only one that she did
14 house on her meant that she was a witch, you know; so	14 that to. She yelled at Faith and Debbie -- Faith that
15 it was as analogy to "Wizard of Oz," that she was a	15 she's not allowed to talk to Dave. I think she said
16 witch?	16 this to Debbie too. Anything -- you know, even though
17 A. Yes.	17 he was supposed to be the head of everything, you
18 Q. Okay.	18 weren't allowed to talk to Dave, which I don't
19 A. I didn't call her the "B" word.	19 understand.
20 Q. Okay. And you felt good because you had stood	20 And Dave used to come out and talk to
21 up to the witch?	21 me, and she used to get pissed off. There was a rumor
22 A. I just was going home and feeling terrible	22 going around.
23 about myself, taking it out on my family. It was not	23 BY MS. KIVITZ:
24 a healthy situation for me to be in, to be treated	24 Q. Did Kathy Holtzman ever attempt to improve the
25 like this and allow somebody to do it when I was -- I	25 working relationship between the two of you?
Page 258	Page 260
1 felt like I was working, working, and working, and	1 A. Not until I went to HR.
2 bringing work home and trying to please this woman,	2 Q. Okay. Accepting that that's your perception,
3 and there was no pleasing her.	3 what did she do after you went to Human Relations to
4 Q. When Kathy Holtzman asked you to start to give	4 try to improve communications between the two of you?
5 her an idea of the time you were spending on projects	5 MR. JENNINGS: Objection to form.
6 at the end of October, '06, how many times do you	6 THE WITNESS: She started harassing me,
7 recall that she wrote to you and asked you to give her	7 telling people not to talk to me. She called Faith
8 back an accounting of your time?	8 and Debbie into her office and tried to get them to
9 A. Two or three times.	9 write negative things about me. She started trying to
10 Q. Okay. Could it have been more than that?	10 make me -- I wasn't allowed to talk to anybody in the
11 A. It could have been. I don't remember.	11 hallway or anywhere else.
12 Q. Okay. How many times did you give her an	12 I was being treated, I felt, sort of
13 accounting of your time, if you remember?	13 like when I was teaching elementary school. That's
14 A. A couple times, but each time she wasn't happy	14 the way I was being treated, like I was six years old.
15 with it. It wasn't detailed enough. That's all I	15 BY MS. KIVITZ:
16 remember of it. And I said to her, "How come I'm the	16 Q. Okay. My question was: Accepting your
17 only one that has to do this? And all of a sudden	17 perception for the moment that she tried to improve
18 after working here all this time and after I	18 communications and the working relationship between
19 complained to HR, all of a sudden you're treating me	19 the two of you after October 18, 2006, what do you
20 like this?"	20 recall Kathy doing to improve the relationship?
21 Q. Did Kathy Holtzman have some concern that you	21 A. Nothing.
22 were also spending too long on certain projects?	22 Q. Okay.
23 A. No.	23 MS. KIVITZ: I'll ask that that be
24 MR. JENNINGS: Objection to form.	24 marked (indicating).
25 THE WITNESS: Not until after I went to	25 (Whereupon the Reporter marked e-mails

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<p>1 dated October, 2006, between Diane Rosetsky and Kathy 2 Holtzman as Exhibit No. D-23 for identification.)</p> <p>3 BY MS. KIVITZ:</p> <p>4 Q. Before I ask you any questions about this 5 document, do you recall her offering to meet with you 6 on a weekly or other basis to discuss issues?</p> <p>7 A. Yeah. When I came in the first time, she 8 said, "I don't want to talk to you," and she told me 9 to go out. And that was in the e-mail.</p> <p>10 Q. Do you recall her offering to meet with you on 11 a regular basis?</p> <p>12 A. Yes. She offered, but we didn't.</p> <p>13 Q. Do you recall her ever trying to explain to 14 you what her edits meant on the project that you've 15 described? The edits to the edits?</p> <p>16 A. No. It wasn't an issue of meaning. It was an 17 issue of -- you know, you would have to just see two 18 comparisons I could give you, which I have actually. 19 And I think they're in one of the e-mails there. A 20 comparison of how she wrote and how I edited it.</p> <p>21 Q. Okay. I'm not asking you about the merits of 22 who's a better editor. I'm asking you what efforts 23 Kathy Holtzman made, after you complained to HR, to 24 try to improve communications between the two of you.</p> <p>25 A. She didn't. She just -- the way that she went</p>	<p>1 harassment.</p> <p>2 BY MS. KIVITZ:</p> <p>3 Q. Okay. I think what your answer -- you said, 4 "I construed it as harassment." Can you agree, at 5 least from her perception of it, that it wasn't 6 harassment? It was a way to keep track of your time?</p> <p>7 MR. JENNINGS: Objection to form.</p> <p>8 THE WITNESS: No.</p> <p>9 BY MS. KIVITZ:</p> <p>10 Q. Okay. You can't even see that; correct?</p> <p>11 A. No. I can't because I was being singled out. 12 And being singled out is harassment.</p> <p>13 Q. Okay. Was there anyone in your unit of which 14 you're aware who was going to talk to other people 15 outside of the unit and showing them Kathy Holtzman's 16 edits and asking if they agreed with them? Was anyone 17 else doing the same type of things you were doing?</p> <p>18 A. How would I know?</p> <p>19 MR. JENNINGS: Objection to form.</p> <p>20 BY MS. KIVITZ:</p> <p>21 Q. Do you know of anyone?</p> <p>22 A. No.</p> <p>23 Q. Okay.</p> <p>24 A. But I didn't go outside the unit.</p> <p>25 Q. Okay. Well, you said you went to some of the</p>
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<p>1 about it I construed as further harassment.</p> <p>2 Q. Okay. What was harassing to you other than 3 her asking you not to speak to other employees about 4 the issues you were having with her?</p> <p>5 A. What was harassing? No one was talking to me 6 anymore, people that I had spoken to.</p> <p>7 Q. Well, you were still e-mailing --</p> <p>8 MR. JENNINGS: Please let her finish her 9 answer.</p> <p>10 THE WITNESS: No. There were other 11 people. There were four hundred people that worked 12 there. And, you know, as I walked through the 13 hallway, they weren't allowed to talk to me. Peg 14 Johnson, Jackie, the other people in Client Programs, 15 the other Client Programs Manager. You know, they 16 weren't talking to me.</p> <p>17 I mean, it was -- you don't have to be a 18 rocket scientist to see why people are afraid to talk 19 to you. And she kept asking me to write down every 20 second of what I was doing so that I couldn't do 21 anything.</p> <p>22 It was -- like, when I would switch from 23 one thing to the next, she wanted me to write down 24 exactly what I was doing. And no one else was 25 expected to do that except for me. I construed it as</p>	<p>1 editors; correct?</p> <p>2 A. They're in my unit. One sits behind me. One 3 was a senior manager who also agreed with me that my 4 editing was -- she said, "But get used to it because, 5 you know, Kathy -- whatever she says has to go whether 6 it's good or not."</p> <p>7 Q. Was anyone else going to the editors, when 8 Kathy was editing their work, to complain about 9 Kathy's edits of their work?</p> <p>10 MR. JENNINGS: Objection to form.</p> <p>11 THE WITNESS: I don't understand that.</p> <p>12 You have to say it again.</p> <p>13 BY MS. KIVITZ:</p> <p>14 Q. Okay. You took Kathy's edits of your work and 15 brought them to show to editors to prove that you 16 could do better work?</p> <p>17 A. No. What I did was I brought the work before 18 I edited it. I didn't bring Kathy's edits. I brought 19 the work before it was edited and after I edited it. 20 I did not show anyone Kathy's edits of my edits. It 21 was before Kathy and after I had edited it.</p> <p>22 Q. Okay. Wasn't your complaint to Barbara 23 Davidson that Kathy had edited your changes?</p> <p>24 A. No.</p> <p>25 Q. Re-worked the changes that you had done?</p>

<p>1 A. No, that wasn't the complaint. The complaint 2 was that she wouldn't let anyone use my edits -- 3 Q. Okay. 4 A. -- even though I saw afterwards that they had 5 learned a lesson from me. And I saw the style of the 6 editing from Kathy Angelucci especially was mine. 7 Q. Okay. How do you know that someone else 8 thought your edits were better if you didn't also show 9 them Kathy's work? 10 A. I did show them Kathy's work. I didn't show 11 them Kathy's editing of my work. She wrote these 12 bubbles that went into the tutorial, and then I was 13 asked to edit them by Krista. And I edited them, and 14 Krista had no problem with them. 15 Then Kathy was, like, "Who did this?" 16 And she said, "I gave it to Diane." 17 And she, you know, went ballistic. 18 Q. Okay. Now, my question is: Was anybody else 19 in Test Development taking Kathy's work and running to 20 the editors to ask if they liked Kathy's work or they 21 liked that person's work better? 22 A. I have no idea. 23 MR. JENNINGS: Objection to form. 24 BY MS. KIVITZ: 25 Q. Okay. Is it fair to say that you were the</p>	<p>Page 265</p> <p>1 Q. But you had other jobs at the same time? 2 A. Well, yes. They were ongoing. Nothing that 3 she paid any attention to. 4 Q. Okay. But wasn't your time spent with the 5 editors taking away from time you could spend on other 6 projects? 7 A. No. I did it at lunch. 8 Q. Okay. And who did you meet with during the 9 lunch hour? 10 A. Maybe Sue that sat behind me and Peg Johnson. 11 Q. Okay. And what is Sue's last name? 12 A. I don't know. It's a long name. Something 13 with a "C." It's an Italian long name. 14 Q. Okay. Now, if you could go back to the 15 e-mails that were in front of you, take a look at 16 them. 17 A. (Complying.) 18 Yes. I attached this to my Complaint. 19 Q. All right. Now, this e-mail from you to Kathy 20 on October 23 -- 21 MR. JENNINGS: Which page are you on? 22 MS. KIVITZ: Page 1. 23 THE WITNESS: Okay. 24 BY MS. KIVITZ: 25 Q. Was that the e-mail that you were referring to</p>
<p>Page 266</p> <p>1 only one who was engaging in that type of conduct? 2 MR. JENNINGS: Objection to form. 3 THE WITNESS: No, it's not fair to say. 4 And also I didn't tell anybody which one was mine and 5 which one was hers. 6 BY MS. KIVITZ: 7 Q. Okay. But my question isn't whose edits were 8 better. My question is: Weren't you the only one who 9 was challenging Kathy Holtzman's writing in that way 10 and running to the editors? 11 MR. JENNINGS: Objection to form. 12 THE WITNESS: I have no idea. That's my 13 answer. 14 BY MS. KIVITZ: 15 Q. Do you know of anyone else who was doing it? 16 A. I have no idea. I don't have -- I don't know. 17 Q. Okay. Do you think that your time with the 18 editors was also taking time away that you could be 19 working on other jobs within your role profile? 20 A. No. Because I didn't have any other jobs that 21 she was giving me. 22 Q. Well, you've testified to several including 23 the database work? 24 A. Right. This was the job I was given, to do 25 the editing.</p>	<p>Page 268</p> <p>1 in your e-mail to Renee Brock, that you had written a 2 long e-mail and you felt so good? Or was that a 3 different e-mail? 4 A. I don't know. 5 Q. Okay. And this contained your grievances; 6 correct? 7 A. Yes. 8 Q. Did you put everything in this memo that 9 bothered you at the time? 10 A. I don't know. 11 Q. All right. Would you take a look at it? 12 A. (Complying.) 13 Just about. Pretty close. I can't say 14 that it was everything, but it looks like a lot of it. 15 Q. Okay. Can you just -- the e-mail above 16 that -- 17 A. "Flex B video screens"?" 18 Q. Yeah. 19 A. Yes. 20 Q. Do you see how that was sent from you to 21 "diane1120@comcast.net"?" 22 A. Yes. 23 Q. Is that your home? 24 A. Yes. 25 Q. And what did you send?</p>

	Page 269		Page 271
1 A.	What did I send?	1 e-mails on my system or more.	
2 Q.	What did you forward home?	2 Q. Okay. But you would agree with me that the	
3 A.	This (indicating).	3 actual tutorial is proprietary?	
4 Q.	Okay. And you did that on October 23, 2006?	4 MR. JENNINGS: Objection. Asked and	
5 A.	Uh-huh. Yes.	5 answered.	
6 Q.	And was that before or after you had met with	6 You can answer it one more time.	
7 Counsel?	7 THE WITNESS: I was asked to work on it		
8 A.	That was before. I didn't meet Rufus until I	8 from home; so I don't know what to tell you. Krista	
9 was not working there anymore.	9 said, "Finish it by Thursday."		
10 Q.	Did anybody tell you to start to forward	10 BY MS. KIVITZ:	
11 e-mails home?	11 Q. This goes to our concern on the here and now.		
12	MR. JENNINGS: Just in case, I'm going	12 MR. JENNINGS: Objection. Is that a	
13 to object and instruct you don't answer that to the	13 question?		
14 extent it deals with an attorney other than me because	14 THE WITNESS: I don't think that I have		
15 I don't know. I don't know, but I just want to make	15 this.		
16 sure I give you that warning.	16 MR. JENNINGS: I'm going to object.		
17	THE WITNESS: There's a lot of people	17 There's no question pending. There's nothing to	
18 that do it. Debbie Shelmire forwarded her e-mails and	18 answer.		
19 different things. You know, I wasn't the only one	19 THE WITNESS: Okay.		
20 that was doing it. Yes, somebody said you could	20 BY MS. KIVITZ:		
21 forward your e-mails.	21 Q. All right. Look at the next page, Page 2.		
22	22 A. (Complying.)		
23 forward my e-mails because, if you get personal	23 Uh-huh.		
24 e-mails there -- he actually used NIH -- not NIH --	24 Q. Kathy's e-mail to you.		
25 the NBME Web site as his e-mail address. He didn't	25 A. Yes. I remember this one.		
	Page 270		Page 272
1	really use the personal one. He only used it to, you	1 Q. Why do you remember that?	
2 know, like, forward things to his house. So basically	2 A. Because it was nonsense. All these people		
3 when he gave out his e-mail for personal and business,	3 were sitting there, and they heard her, especially		
4 it was the Board's e-mail.	4 Kieran and Krista, telling me to edit, not just cut		
5 BY MS. KIVITZ:	5 and paste. There were witnesses there at the meeting.		
6 Q.	Okay. What were the attachments? Do you see	6 This was the first meeting she ever let me go to	
7 that?	7 because it was after I complained about her to HR that		
8 A.	Yeah. I don't know if the attachments were	8 she wasn't involving me in anything.	
9 actually attached. That was -- you know, sometimes if	9 So she decided to let me go to a		
10 you forward an e-mail, the attachments -- they get	10 meeting, and then she's telling me all I was supposed		
11 taken off by Outlook Express. So I just probably just	11 to do was cut and paste other people's editing. And		
12 forwarded it for this.	12 that's not what Kieran heard and not what Krista		
13	13 heard. And that's why Krista gave me the editing to		
14 But what those are are the demo files	14 do when Kathy was away and why Kieran was working with		
15 that Kieran probably sent to me for editing. They	15 me.		
16 were the demo files, Flex B video screens. Yeah,	16 Q. Okay. But do you see that Kathy said you had		
17 that's what that is, the tutorial.	17 misconstrued your role in the project?		
18 Q.	18 A. Misconstrued?		
19 Okay. And that would all be proprietary	19 Q. Misconstrued.		
20 information; correct?	20 A. Yeah, I see it, but I didn't misconstrue it.		
21	21 She's just backtracking to make it look like I wasn't		
22 something, but if you forward it, it doesn't -- the	22 supposed to do anything.		
23 attachments don't always go with it.	23 Q. Okay. Did you disagree with her that at least		
24 Q.	24 one of your roles in the project was to provide		
25 Okay. Well, did you get those attachments at	25 support for the team as Project Assistant?		
26 home?			
A.	I couldn't tell you. I have a thousand		

	Page 273		Page 275
1 A.	All she has to do is edit. I don't know what	1 I mean, I could have written that entire	
2 other support there was.		2 tutorial, but I was editing it. And it's Kathy-isms.	
3 Q.	Okay.	3 This is where, you know, Kathy belittles people. This	
4 A.	Cutting and pasting.	4 is a tactic that she used. I'm sure you can see by	
5 Q.	Did you agree with that or disagree?	5 the way that it's written that this was to be	
6 A.	I don't know --	6 condescending and treat me like a six year old.	
7 MR. JENNINGS:	Can you please rephrase	7 She was giving me an opportunity to	
8 it?		8 learn about an important new product? I understood	
9 THE WITNESS:	Rephrase it. What do you	9 the flexible blueprinting more than she did. I had	
10 mean by "support"? I mean, support people by editing?		10 seen it before, and I went on the Internet, and I	
11 Yes.		11 studied about it. And they thought they were the only	
12 BY MS. KIVITZ:		12 ones doing it, and they weren't.	
13 Q.	Okay. Do you support people by other than	13 So, you know, no, I wasn't learning	
14 editing too?		14 anything from her.	
15 MR. JENNINGS:	Objection to form.	15 Q.	Did you give her any credit that, you know,
16 THE WITNESS:	"Do you support other	16 she had been an editor with the National Board for	
17 people by" -- I suppose so.		17 many years more than you had? Did you think that you	
18 BY MS. KIVITZ:		18 should give her any deference in terms of what she had	
19 Q.	Okay. Were you insulted that she told you it	19 learned at the time at National Board about the way it	
20 was never her intention for you to play a lead role on		20 edited?	
21 the project?		21 MR. JENNINGS:	Objection to form.
22 A.	Well, considering that was, you know, what her	22 BY MS. KIVITZ:	
23 idea of a lead role was, you know, yes, because I was		23 Q.	Do you understand that question?
24 supposed to be working with them on this project.		24 A.	No, I don't.
25 Q.	Okay.	25 Q.	Okay. Did you feel that she was entitled to
	Page 274		Page 276
1 A.	She was the only lead role. Kathy doesn't	1 any deference as a National Board-trained editor over	
2 allow anyone to be a lead role. Everybody there was		2 the many years?	
3 subordinate to her. She was a leader, and we were all		3 A.	Yes. But this was not item editing. She had
4 supporting her.		4 edited items. This was a tutorial for an application	
5 Q.	Okay. Now, she said to you she was surprised	5 for physicians to use on line. It was not the same	
6 that you had the impression you would be doing the		6 thing as editing an item. When you do documenting for	
7 editing, but you presented a good case about your		7 an application, it's a different ball game, and she	
8 background, and it was reasonable to let you try. Do		8 had no experience in documenting instructions to use	
9 you see that?		9 an application.	
10 A.	Yes.	10 This is the "help" files basically.	
11 Q.	Okay. She viewed it as a good opportunity for	11 Well, when you go into "help," you know, when you hit	
12 you to learn about an important new product and see		12 "help" on Microsoft Word or there's a tutorial in	
13 what you could do with editing; correct?		13 there, this is what this was. And you're talking	
14 A.	That's what she said.	14 about someone that didn't even know how to use most of	
15 MR. JENNINGS:	Objection to form.	15 Microsoft Office.	
16 THE WITNESS:	Trying to be	16 Q.	Would you go to the third page, bottom, middle
17 condescending, yes.		17 paragraph?	
18 BY MS. KIVITZ:		18 A.	Uh-huh.
19 Q.	Now, why is that condescending that that would	19 Q.	When this first started, do you remember that
20 be a good opportunity for you to learn?		20 she said to you:	
21 A.	Because she knew that I'm a trained editor, I	21 "As we discussed, I appreciate all of	
22 graduated from the University of Pennsylvania with an		22 the work you did on the editing. I know from	
23 English degree, and that I had a lot of Web site		23 personal experience how hard it is to deal	
24 experience, that I had a lot of IT experience. And		24 with having others change your work after	
25 there was nothing for me to try.		25 you have put so much of your heart and soul	

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1 into it"?	1 her. I'm sure that I said something to her. And all
2 A. She didn't even look at most of it. I must 3 have edited -- there were binders this big 4 (indicating) that I took home with me, like, two or 5 three of them.	2 she said was, "You were only supposed to cut and 3 paste."
6 MR. JENNINGS: And just for the record, 7 the witness is indicating approximately eight inches.	4 Q. Okay.
8 Would you agree, Counsel?	5 A. And it's clear in the first e-mail that she's
9 MS. KIVITZ: Sure.	6 saying that I misconstrued what I was supposed to do.
10 THE WITNESS: About the size of a phone 11 book. How's that?	7 And then she backtracks and said, you know, "I was 8 happy to give you a chance to learn something by 9 editing." First she says I've misconstrued my role, 10 and then she's saying I was supposed to edit. Which
12 And she only looked at a little bit of 13 it until she went ballistic and found out that I had 14 edited it. And I was told that she was yelling at 15 Krista for allowing me to do it. She never looked at 16 the rest of it. All the work that I did -- she would 17 not even look at it.	11 is it? I was or I wasn't?
18 And then I saw them using my style and 19 technique for dialog into journalistic-style editing 20 instead of conversational or prose. And then she got 21 pissed off because she saw that I did it. But they 22 weren't pissed off enough not to use my work but just 23 not give me credit for it.	12 Q. Now, after you met with Barbara Davidson 13 October 18, you were still receiving assignments from 14 Kathy Holtzman to do other projects for the 15 department; correct?
24 And, you know, they were smart enough to 25 start -- you know, Kathy Angelucci and Krista -- to	16 A. Not really. I was still working on the same 17 things that I've been working on.
1 see the technique because it's not really that hard to 2 pick up. So they took, like, the first binder, and 3 Krista read through it and had no problem with it.	18 Q. All right. Weren't you asked around 19 October 25 to work on an Access database that Krista 20 had requested based on your expertise with Access?
4 Kathy saw it, wouldn't look at any of 5 the rest of the binders, and starting putting it back 6 to the way that it was. And Kieran and I were looking 7 at it, and it was, like -- we were both, like, 8 appalled.	21 A. Right.
9 BY MS. KIVITZ:	22 Q. Okay. And then you were asked to focus on a 23 second project concerning user testing?
10 Q. Do you see where she said she'd be happy to 11 talk to you afterwards to meet and go over the changes 12 she made?	24 A. User testing? I'm trying to remember.
13 A. Yes.	25 Q. With Faith. What needed to be adjusted, if
14 Q. Did you ever come to her and say, "Let's meet 15 and talk about those changes"?	Page 280
16 A. She never had time for me. When I walked in 17 her office, she would tell me to get out, that I 18 wasn't allowed to come in without permission. You 19 know, I asked to meet with her, and she was not 20 interested in my work.	1 anything.
21 Q. Was there any e-mail that you can point to 22 where you followed up and said, "I'd like to meet with 23 you concerning -- to discuss the changes"? That you 24 can point to?	2 A. I don't know what you're talking about.
25 A. I don't know. I probably said something to	3 Q. Okay. Do you remember --
	4 A. Oh, okay.
	5 Q. "I'd like you to work with Faith" --
	6 A. Faith was finally --
	7 Q. -- on user testing to see what needs to be 8 adjusted, if anything."
	9 A. Finally, after me working on the database and 10 her refusing to look at it, she let Faith try to use 11 it, and Faith loved it and wrote her an e-mail saying 12 what a great tool that it was.
	13 Q. Okay.
	14 A. That was my database. It wasn't user testing. 15 It was my database.
	16 Q. Okay. Would you say that those assignments 17 were within your role profile?
	18 A. I suppose so.
	19 Q. Okay. So you were still receiving assignments 20 within your role profile?
	21 A. They weren't new assignments. They were from 22 before I went down to HR. Those assignments I had --
	23 I had kind of started the one on the database with 24 Krista. I had sort of started it before that, but 25 then she gave me that editing to do too.

<p>1 Q. Okay. Do you remember objecting --</p> <p>2 A. Actually Dave gave that to me. Excuse me.</p> <p>3 Kathy did not give that assignment to me. The</p> <p>4 database for -- what I was doing was making a database</p> <p>5 for the responses from the physicians who critiqued</p> <p>6 the items questions that were going to be actively put</p> <p>7 in the NBME item pool. And it was Dave that I was</p> <p>8 working with. It wasn't her.</p> <p>9 Q. Okay. Do you remember, when you were being</p> <p>10 asked to respond again to how much time you were</p> <p>11 putting into projects, responding to Kathy that you</p> <p>12 didn't want to do it because what she was asking you</p> <p>13 to do would take as much time to track as it does to</p> <p>14 build a database?</p> <p>15 A. Yes.</p> <p>16 Q. Okay. So were you essentially refusing to</p> <p>17 account for your time?</p> <p>18 A. No. I told her how much time I worked on the</p> <p>19 database, but she wanted me to break it down, which</p> <p>20 she didn't understand, you know, how much time writing</p> <p>21 select queries, how much time, you know, with the</p> <p>22 story board, how much time with the user interface,</p> <p>23 changing colors, changing fonts, how much time</p> <p>24 changing the menus. I mean, she wanted me to write</p> <p>25 all this down. It was ridiculous.</p>	<p>Page 281</p> <p>1 interface? How much time did you spend cleaning up</p> <p>2 the Power Point slides?"</p> <p>3 After everything was almost done, then</p> <p>4 she's asking me to backtrack, and I said, "I can't do</p> <p>5 that. It's impossible."</p> <p>6 Q. Okay.</p> <p>7 A. And besides I didn't work on that all the</p> <p>8 time. Sometimes I was, you know, doing copying for</p> <p>9 clients and managers. I was doing different things.</p> <p>10 It was a ridiculous request, and it was pure</p> <p>11 harassment.</p> <p>12 Q. Okay. But it was a request that had come from</p> <p>13 your supervisor; correct?</p> <p>14 A. Right. That I could not fulfill and that no</p> <p>15 human could have fulfilled honestly. I could have</p> <p>16 lied, but I'm not a liar.</p> <p>17 Q. Okay. So it was your intention not to comply</p> <p>18 with that question because you thought it was silly;</p> <p>19 correct?</p> <p>20 MR. JENNINGS: Objection to form.</p> <p>21 THE WITNESS: No. I couldn't do it</p> <p>22 honestly is what I thought. I could never have done</p> <p>23 it. It was impossible. How can you go back -- why</p> <p>24 don't you tell me how long it took you to cook dinner</p> <p>25 last Sunday and the steps that it took while you were</p>
<p>Page 282</p> <p>1 Q. But isn't it true that, after you did give her</p> <p>2 a breakdown on October 31, 2006, you did not ever</p> <p>3 really give her a breakdown of your time again in this</p> <p>4 format at least?</p> <p>5 MR. JENNINGS: Objection to form.</p> <p>6 THE WITNESS: I don't remember.</p> <p>7 MR. JENNINGS: Why don't you mark it as</p> <p>8 an exhibit so she can see the format?</p> <p>9 THE WITNESS: That wasn't the format.</p> <p>10 The format was supposed to be an Excel chart that she</p> <p>11 wanted me to make. She wanted me to make an Excel</p> <p>12 chart and start filling it in as I was working, like,</p> <p>13 minute by minute, which was harassment.</p> <p>14 BY MS. KIVITZ:</p> <p>15 Q. All right. So you never did an Excel chart?</p> <p>16 A. Yeah, I did. She has it.</p> <p>17 Q. Okay. And the October 31 breakdown of your</p> <p>18 day time -- okay? -- how many days it took you to do</p> <p>19 the project -- did you ever give that to her again?</p> <p>20 Did you ever break down your time again?</p> <p>21 A. After I had worked on this database, she</p> <p>22 wanted me to break down what I had done in the past</p> <p>23 four or five months on each thing after the fact. You</p> <p>24 know, then she decided, "Okay. When you built this</p> <p>25 database, how much time did you spend on user</p>	<p>Page 282</p> <p>1 cooking dinner? How long did it take you to crack the</p> <p>2 egg? You know, it was impossible.</p> <p>3 I mean, if she wanted me to do that, she</p> <p>4 should have started it from when I first started</p> <p>5 working there on the database.</p> <p>6 BY MS. KIVITZ:</p> <p>7 Q. But did it ever occur to you to record your</p> <p>8 time contemporaneously with the project?</p> <p>9 A. I was not required to do that, and she never</p> <p>10 required me to do that.</p> <p>11 Q. Okay. But if you did do that, that would be</p> <p>12 an easier, simpler way to break down your time</p> <p>13 afterwards; correct?</p> <p>14 MR. JENNINGS: Objection to form.</p> <p>15 THE WITNESS: I don't understand what</p> <p>16 you're asking me.</p> <p>17 BY MS. KIVITZ:</p> <p>18 Q. In your scenario, if you wrote down how much</p> <p>19 time the cooking took at the time you cooked, it would</p> <p>20 be easy to compile that information a week later;</p> <p>21 correct?</p> <p>22 MR. JENNINGS: Objection to form.</p> <p>23 THE WITNESS: To break it down if you</p> <p>24 can break it down? You know, if you want me to show</p> <p>25 you how to build a database, I can show you, and then</p>

<p style="text-align: right;">Page 285</p> <p>1 you can decide for yourself if you can break it down. 2 BY MS. KIVITZ: 3 Q. Okay. So is the reason you refused to do it 4 because you thought it was silly or because it was too 5 time consuming or something else? 6 MR. JENNINGS: Objection to form. 7 THE WITNESS: It was impossible. 8 BY MS. KIVITZ: 9 Q. Why impossible? 10 A. I already told you. It was something that was 11 done months before, and then she was asking me to 12 backtrack on it. And I actually called the IT 13 Department, and I told her to call the IT Department 14 and talk to Debbie Brown. 15 I said, "Debbie, do you have to write 16 your time down when you're working with Microsoft 17 Access on how much you spent on each part of it?" 18 She said, "It's impossible to do that. 19 I wouldn't be able to do that. I'm not required to do 20 it." 21 Q. Okay. 22 A. She bills clients who, you know, she does 23 things for around the building. And I specifically 24 told Kathy to, "You know, go confer with Debbie 25 Brown." What she's asking me to do -- "There's not an</p>	<p style="text-align: right;">Page 287</p> <p>1 correct? 2 A. That she knew that I had used to take stuff 3 home to work on it. 4 Q. Right. But when she asked you on November 8 5 to return the information to the office immediately, 6 did you ever -- before today did you ever do that? 7 A. Everything has been returned. I mean, what 8 you're talking about is digital information that -- 9 you know, I can erase it, but, you know, I don't 10 physically have their files or their passwords to get 11 into their files or the Power Point slides that I 12 printed out. Everything was there at my desk when I 13 left. 14 Q. Now, there were also two positions within the 15 National Board that you applied for and then withdrew 16 your applications? 17 MR. JENNINGS: Objection to form. 18 THE WITNESS: Yes. 19 BY MS. KIVITZ: 20 Q. Can you tell me about each of them and why you 21 chose to withdraw your application? 22 MR. JENNINGS: Objection to form. 23 THE WITNESS: I don't remember the first 24 one. But the second one was the one where Kathy told 25 them not to hire me. So instead of being humiliated</p>
<p style="text-align: right;">Page 286</p> <p>1 IT person in the world that's going to do that for 2 you. It's close to impossible." 3 Q. Did there come a time when you were no longer 4 authorized to work at home? 5 A. No. Oh, yeah. Finally, after I went down to 6 HR and complained about her, she decided that I wasn't 7 supposed to work from home, that I wasn't allowed to 8 although she knew that I had before previously. 9 Q. Okay. Do you remember being asked, if you 10 have any materials at home, please return them to the 11 office immediately and remove any NBME files from your 12 personal computer? 13 A. Yes. 14 Q. Did you do that? 15 A. From my personal computer? The only thing I 16 have on there is the database. That's it. 17 Q. Okay. Did you return the materials you had at 18 home? 19 A. Yeah. They're all there. 20 Q. Well, I mean, we've talked about this at 21 length today. You still have the thumb drive; 22 correct? 23 A. Yeah. But that's not NBME's. That's my thumb 24 drive. 25 Q. But it's NBME's materials on your thumb drive;</p>	<p style="text-align: right;">Page 288</p> <p>1 through an interview with people that I knew and 2 worked with every day, I withdrew it. 3 BY MS. KIVITZ: 4 Q. Okay. And which one was that? 5 A. That was the Test Development Associate for 6 Special Projects. 7 Q. And what about -- there was a case developer 8 position you applied for. Why did you withdraw that 9 one? 10 A. I'm trying to remember. I don't remember. I 11 think that's the same one that Faith applied for. I 12 don't really remember why I withdrew or if I actually 13 formally applied for it. 14 Did I formally apply for it? I don't 15 remember. 16 Q. I think you did and then withdrew it. 17 A. Okay. 18 Q. We have two applications that you submitted 19 and then withdrew. 20 A. Okay. I don't remember why I withdrew it. It 21 might have been during this time of turbulence where I 22 just withdrew it. 23 Q. All right. And the Special Projects 24 position you withdrew, at least in your opinion, 25 because you felt you might not get it?</p>

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1	MR. JENNINGS: Objection to form.	1	She just was learning it on the job.
2	THE WITNESS: I knew I wasn't going to	2	But Faith and I were actually discussing
3	get it because she intimidated them into not hiring --	3	it, and she said, "Kathy -- she's just going to give a
4	Kieran expressed to me how scared he was of Kathy.	4	bad reference. You're never going to get that job."
5	And when he was at meetings with her, he said he	5	Q. But my question is: Do you know if your
6	couldn't think and that, you know, she was very	6	qualifications independent of Kathy Holtzman were
7	intimidating. And, you know, he's a really nice guy,	7	appropriate for the position?
8	and she was just, you know, sitting there and being	8	A. They could have been. I wasn't exactly sure.
9	nasty to everyone.	9	I mean, there was nothing -- you know, one thing I do
10	BY MS. KIVITZ:	10	know is that I know how to learn.
11	Q. All right. And Kieran is under the age of	11	Q. Okay. You did not submit a formal application
12	forty?	12	for that position?
13	A. Kieran is under the age of forty.	13	A. I don't remember. I may have.
14	Q. Okay. And you felt that he was --	14	Did I?
15	A. Afraid of Kathy, yes.	15	Q. Not that I've seen.
16	Q. -- equally afraid of Kathy?	16	A. Okay. I really can't remember.
17	A. I'm not afraid of Kathy. I just don't like	17	Q. In one e-mail you said that Kathy Holtzman
18	her anymore because I see what kind of person she is.	18	belittled you because she called you "DiDi"?
19	I'm not afraid of her at all. That was the issue.	19	A. DiDi.
20	She wanted people to be afraid of her. Once you got	20	Q. Does anybody -- is that a nickname?
21	one foot in the grave, you're not afraid of much of	21	A. No.
22	anything.	22	Q. Okay. Where did it come from, if you know?
23	Q. At some point you came to believe that Kathy	23	A. If I know what?
24	had to give you her permission for you to apply for	24	Q. Do you know where she got that from?
25	another job?	25	A. My name is Diane, and she just decided to call
	Page 290		Page 292
1	A. I wasn't sure. Yeah.	1	me "DiDi."
2	Q. Okay. And is it correct that she clarified	2	Q. Did you tell her you didn't like that?
3	for you that you did not need her permission to apply?	3	A. No, I did not.
4	A. After I went to HR. But I had already asked	4	Q. So how would she have known that you found
5	her about the position, and she was promoting people	5	that belittling?
6	without even interviewing, like Kieran and Kathy	6	MR. JENNINGS: Objection to form.
7	Angelucci. You know, they didn't even interview.	7	THE WITNESS: Why would she be as
8	They were just put into the job.	8	presumptuous as to think she could call someone in a
9	And me -- she's telling me, "Oh, well,	9	place of business a new nickname that she decided?
10	you know, I don't think you're right for it."	10	BY MS. KIVITZ:
11	So then I went down to HR, and they	11	Q. Okay. Well, you've referred to her now as the
12	said, "Well, you can still apply." And then, you	12	"witch"?
13	know, after I heard her talking to Kieran and Kathy	13	A. But I never called her that to her face.
14	about me, I just thought, "You know, why should I	14	Actually probably other people have. I think Faith
15	humiliate myself? They're not going to hire me."	15	did, but I never have.
16	Q. Now, you were also interested in a business	16	Q. Okay.
17	analyst position at some point?	17	A. No. I was completely respectful to her. I
18	A. Right.	18	never called her any names. Actually I did a lot of
19	Q. Were your qualifications appropriate for that	19	personal favors for her. I did her husband's resume,
20	position, if you know?	20	which -- is that considered NBME property? Should I
21	A. I don't know. I mean, you know, I was hoping	21	give it back to you? I have Nate's resume that she
22	that they were. I was trying to learn UML. So, you	22	had me do.
23	know, I was hoping to maybe go in the position. I	23	I also filled out a form for her retarded
24	spoke to one of the other business analysts about it	24	child to be admitted to a special institution. And it
25	who -- she didn't have a degree in any of it either.	25	took me, like, half a day to do it. I hand wrote it

<p style="text-align: right;">Page 293</p> <p>1 for her. You know, I did personal things for her that 2 were not in my job description out of the goodness of 3 my heart.</p> <p>4 Q. Now, on November 8 you wrote an e-mail to 5 Barbara Davidson, and you asked her to move your 6 cubicle so you wouldn't sit in front of Kathy.</p> <p>7 A. Uh-huh.</p> <p>8 Q. I'm asking if you remember this. You wanted 9 to work for Kathy Angelucci but stay in your current 10 position but have Kathy supervise you?</p> <p>11 MR. JENNINGS: Objection to form.</p> <p>12 THE WITNESS: I don't remember that.</p> <p>13 No.</p> <p>14 BY MS. KIVITZ:</p> <p>15 Q. Okay.</p> <p>16 A. Who said that? Is that Barbara Davidson?</p> <p>17 Q. No. You wrote to Barbara: 18 "I would also like my cubicle moved. 19 There's no reason for me to be sitting in 20 front of Kathy's door."</p> <p>21 A. Yeah, I did ask for my cubicle to be moved. I 22 mean, I asked to be moved into another cubicle.</p> <p>23 Q. "As far as my working for Kathy Angelucci, I 24 would prefer just to stay in my current 25 Program Assistant position rather than be in</p>	<p style="text-align: right;">Page 295</p> <p>1 A. Yeah. I think so. It looks that way.</p> <p>2 Q. Okay. And the three of you had met; correct?</p> <p>3 A. Yes. I believe so.</p> <p>4 Q. And you were told that continuing your 5 behavior of sharing frustrations about your work 6 issues could result in your being placed on a 7 Performance Improvement Plan. Do you recall that?</p> <p>8 A. Where are you at here?</p> <p>9 Q. Second full paragraph in the below e-mail.</p> <p>10 A. "As you agreed, you will develop project 11 plans." Is that what you're reading?</p> <p>12 Q. "As I noted during the meeting."</p> <p>13 A. I was reading something else when you were 14 talking. See, she says, "Or elsewhere." Yeah, she 15 was complaining that I went down to HR. So what is 16 your question again?</p> <p>17 Q. My question is: Do you recall being told that 18 continuing that behavior could result in your being 19 placed on a PIP?</p> <p>20 A. Well, what are you referring to as "that 21 behavior"?</p> <p>22 Q. You have to go back to the e-mail. Do you 23 want me to repeat it?</p> <p>24 A. Yeah.</p> <p>25 Q. Do you want to read it?</p>
<p style="text-align: right;">Page 294</p> <p>1 her group. Also I think she will be difficult 2 to work for because she appears to have no 3 consistent work schedule."</p> <p>4 Meaning Kathy Angelucci?</p> <p>5 A. Oh, yeah. Kathy just had a baby, and then she 6 had a two year old. And actually Kieran was kind of 7 upset. He wound up doing all of Kathy's work. This 8 is kind of new to me because I did stay home and raise 9 my own kids; so I didn't realize that, you know, you 10 could actually be there and not be there. So I'm not 11 really sure how it's going to work.</p> <p>12 Q. So what were you asking for?</p> <p>13 A. I don't really recall. I mean, I could read 14 that e-mail and see what I was asking for. I think 15 I just wanted to get away from Kathy at that point 16 along with the rest of the Board.</p> <p>17 MS. KIVITZ: I'll mark this 18 (indicating).</p> <p>19 (Whereupon the Reporter marked e-mails 20 dated November, 2006, between Diane Rosetsky and 21 Barbara Davidson as Exhibit No. D-24 for 22 identification.)</p> <p>23 BY MS. KIVITZ:</p> <p>24 Q. Your e-mail to Barbara followed Kathy's e-mail 25 to you; correct?</p>	<p style="text-align: right;">Page 296</p> <p>1 A. Yeah.</p> <p>2 "That behavior," meaning the behavior of 3 sharing my frustrations and my work assignments? Is 4 that what you're talking about?</p> <p>5 "Interpersonal relationships or other 6 observations regarding Test Development 7 management with staff in Test Development or 8 elsewhere."</p> <p>9 Q. Okay. Now, you were aware that she was asking 10 you to discuss issues that arose with her as opposed 11 to sharing your frustrations with others; correct?</p> <p>12 A. I was aware that she was upset because I went 13 to HR. That's the only thing that I'm aware of.</p> <p>14 Q. And what she ended with was: 15 "At any time you should feel comfortable 16 to discuss concerns with Human Resources."</p> <p>17 Correct? Do you see that?</p> <p>18 A. That was after the fact, yes. She's trying to 19 do damage control.</p> <p>20 Q. Now --</p> <p>21 A. And then she wrote --</p> <p>22 Q. -- you responded by writing to Barbara 23 Davidson and saying, "Can you please help me move away 24 from her"?</p> <p>25 A. Yes.</p>

Page 301	Page 303
1 A. And then when I actually asked Barbara 2 Davidson for a copy, they wouldn't give it to me. 3 Q. Okay. Well, this will be attached to the 4 deposition; so you'll have it. 5 A. Okay. 6 Q. And your attorney has copies of it too. 7 A. Okay. 8 Q. But I just want you to -- I can't read your 9 writing. 10 A. Okay. "You weren't interested." She wasn't 11 interested in talking to me through my whole 12 employment there. 13 Q. All right. The handwriting at the bottom of 14 Page 1 -- 15 A. Yeah. It says "You weren't interested." 16 Q. How about the top of Page 2? 17 A. Because she didn't take any time with me. I 18 think "That was because you didn't take time with me." 19 Q. Okay. How about the bottom of that page? 20 A. "Accusing me of being combative." 21 Q. Is that "evidence, question mark"? 22 A. Yes. "Evidence. I was only in a team 23 environment once." And then it says "You made me 24 write that letter." Oh, that was the letter about 25 Barbara Scaramalino.	1 be marked (indicating). 2 (Whereupon the Reporter marked an e-mail 3 dated November 8, 2006, to Diane Rosetsky from Kathy 4 Holtzman as Exhibit No. D-26 for identification.) 5 BY MS. KIVITZ: 6 Q. Referring to the e-mail we've already 7 referenced, did you ever write an e-mail response to 8 Kathy Holtzman concerning what materials you had or 9 whether you would return them or any response that you 10 recall? 11 A. No, I don't recall anything. 12 Q. You said at one point you had spoken to senior 13 management concerning what you perceived as Kathy 14 Holtzman's behavior? 15 A. Uh-huh. 16 Q. Do you remember who that was? 17 A. Barbara Davidson, Aggie Butler. 18 Q. Do you remember when you met with Aggie? 19 A. I didn't meet with her formally. She was just 20 at my desk. She came by and was talking to me. 21 Q. Okay. Do you remember around when that was? 22 A. No. Well, when all this was happening. 23 Q. Do you remember what your complaint was -- 24 A. October. 25 Q. Okay.
Page 302	Page 304
1 Q. Okay. How about on Page 3? 2 A. It says that "She sees no progress." And I 3 wrote "In what? I spoke to Tech Services." I don't 4 know why I wrote that. I'd have to re-read the whole 5 comment to see. 6 Q. "Accusing me of" -- is that "disruptive 7 behavior"? 8 A. Yeah. I'm not sure why I wrote that. 9 Q. Well, at the bottom does that say "expose exit 10 interviews"? 11 A. "Existing"? It might be "existing." I'm not 12 sure. I have no idea actually. I can't read that 13 one. 14 Q. Well, what did the term "exit interviews" mean 15 to you on November 21, 2006? 16 A. "Exit interviews"? That's not what that says. 17 I think it's "existing interview." "Interviewers"? 18 Is that what you're asking me? If that says "exit"?19 I don't think it says "exit." It's "existing." 20 Q. Okay. And what did that mean? 21 A. I don't know. That's what I'm saying. I 22 don't know what it says. I'm not even sure if that 23 says "interview." It says "existing." I don't know. 24 I couldn't tell you honestly. 25 MS. KIVITZ: Okay. I'll ask that this	1 A. I think this probably had to do with -- I 2 don't think I went into depth with Aggie. But, you 3 know, that she knew she could be really difficult to 4 work for. And she said, "Please don't leave. You're 5 a really good worker." You know, she was really nice 6 actually -- Aggie. And she was empathizing or 7 sympathizing with me. 8 You know, most of this all happened 9 around when I rushed for four days and did this big 10 editing job, you know, to be told I wasn't supposed 11 to do it. And then Krista and Kathy got into a 12 fight with each other. So it was all around the 13 same time. 14 There was no occurrence or altercation 15 or anything until after I went down to HR. Nothing 16 happened. You got nothing. Everything was just, you 17 know, okay between me and -- you know, okay in her 18 eyes, you know, between me and Kathy until this 19 editing thing happened and I went to HR. And that was 20 it. 21 Oh, the other person was Ron Nungster. 22 Q. Okay. Did you see him in person or just 23 e-mailed him? 24 A. Ron I made an important with. 25 Q. Okay. Did you meet with him?

	Page 305	Page 307
1 A. Yes.		1 could move laterally to a different department but not
2 Q. Okay. And what did you show him? What did		2 necessarily move up to a different department. You'd
3 you bring with you when you met with him?		3 have to work yourself up.
4 A. He wouldn't let me show him anything. I tried		4 A. Right.
5 to show him the work that I was doing and that I		5 Q. Did you think there was something wrong with
6 wanted to apply for another job and I felt she was		6 that?
7 discriminating against me. And I don't remember		7 A. Yes, I did.
8 exactly -- you know, he got really defensive and all		8 Q. What?
9 that.		9 A. What?
10 And I knew right away -- I knew that,		10 Q. What was wrong with the concept of a lateral
11 when I came up there, I had it in my mind, "If he		11 move?
12 doesn't let me show him the work that I did, that it's		12 A. Because I applied for a promotion and she had
13 going to be bad." And he wouldn't look at it.		13 promoted other people that had less education than me
14 Q. Okay.		14 and had been there the same amount of time as me. And
15 A. He started talking about himself. That's what		15 I felt that I deserved to be promoted like she was
16 he started doing.		16 doing for other people.
17 Q. Okay. Now, you said you used the term		17 Q. Were you aware of any people at the National
18 "discrimination."		18 Board younger, older, blue, white, yellow who had
19 A. Uh-huh.		19 moved laterally to other departments?
20 Q. Do you recall using with anyone the term "age		20 A. I think this woman Barbara that Kathy and Dave
21 discrimination"?		21 abused. I'm trying to think of her name. She had a
22 A. Yes.		22 health issue while she was there, but she still works
23 Q. Who?		23 there. Barbara. I can't remember her last name.
24 A. Barbara Davidson.		24 They would know because she moved to the cubicle at
25 Q. Okay. Now, Barbara Davidson has no record		25 the end, and then she moved to the next building. I
	Page 306	Page 308
1 whatsoever that you used the term "age." Is there		1 can't tell you her last name. If I saw it, I would
2 anyone else that you ever used the term "age" with		2 remember.
3 ever?		3 Q. Okay. Do you remember writing to Debbie
4 MR. JENNINGS: Objection to form.		4 Shelmire on October 26 and saying:
5 THE WITNESS: I said it to Faith and		5 "In case you're wondering why it's kind
6 Debbie, "We're the older women here, and that's why		6 of quiet around here, Kathy and I had it out.
7 we're kept in these positions." I didn't use "age		7 I wrote her a lengthy e-mail on Monday"?
8 discrimination," but I did with Barbara Davidson. And		8 A. Yes.
9 why would she write it? You know, why would she admit		9 Q. Okay. Was that the same e-mail you boasted to
10 to it at this point, you know? She got a look on her		10 Renee Brock you had also written?
11 face, you know, like, "Uh-oh," as soon as I said it.		11 A. It might have been.
12 And as a matter of fact, I said it a		12 Q. Okay. Was it the same e-mail that I asked you
13 couple times. I met with her several times. And I		13 about on October 23 concerning the edits?
14 said, "Can't you see what she's doing here? We're all		14 A. I'm not sure. Maybe.
15 the older women that are stuck in this position." And		15 Q. Okay. You also told Faith in October, 2006,
16 then I said, "This is age discrimination."		16 that you had applied to over two hundred other jobs at
17 And she said, "No, it's not. It's" --		17 Penn up to, I guess, October 20, 2006. And you
18 what did she say? "It's just the way Kathy is," or		18 claimed you had gotten just the one interview?
19 something like that.		19 A. Right. Maybe.
20 BY MS. KIVITZ:		20 Q. Okay. Do you remember what any of the other
21 Q. Have you seen the notes of any of the meetings		21 positions were?
22 of you with Barbara Davidson that have been produced?		22 A. You want me to recite two hundred positions
23 A. No.		23 that I applied to?
24 Q. Okay. Now, the other thing is at some point		24 Q. No. Do you remember in particular the type
25 you got upset because Kathy Holtzman told you you		25 of --

<p style="text-align: right;">Page 309</p> <p>1 A. They're all a mixture of IT and grant work, 2 research administration, that kind of thing. Research 3 administration if you want a blanket coverage of it. 4 Q. Okay. Now, you have also submitted, I guess, 5 paperwork to us, showing us your efforts allegedly to 6 find employment since you left the National Board? 7 A. Uh-huh.</p> <p>8 Q. Okay. And I see that there is a tremendous 9 amount of focus on the University of Pennsylvania and 10 on Temple University?</p> <p>11 A. Uh-huh.</p> <p>12 Q. Why?</p> <p>13 A. Why? Because I worked in academia before. 14 They pay tuition benefits for your children to go to 15 college. That's my main reason. And I can tell you 16 that that's not all of my applications. I have others 17 to Sanofi Pasteur, Bristol-Myers Squibb, Princeton 18 University, Villanova University, Penn State 19 University.</p> <p>20 Where else? There were some other drug 21 companies. That's not all of them. That's -- you 22 know, I accumulated a lot of them for you, but there's 23 more.</p> <p>24 Q. Okay. I also notice, though, that you 25 withdrew applications from a number of Web sites?</p>	<p style="text-align: right;">Page 311</p> <p>1 I'm not qualified for it." And then you click out 2 "cancel." And before you click out "cancel," a window 3 pops up and says "If you click out of here, it will be 4 as a withdrawal." So it goes in as a withdrawal. 5 Q. Now, have you applied for any jobs through the 6 old-fashioned way with a cover letter and a resume, or 7 has everything been on line?</p> <p>8 A. Mostly been on line. Jefferson maybe I sent 9 something. I applied to Jefferson Hospital. I 10 applied to Fox Chase Cancer Center. I could just go 11 on and on. But basically it was on line. Nobody 12 really sends anything through the mail anymore. 13 Q. Okay. What do you feel has been the problem 14 in your getting other work now?</p> <p>15 MR. JENNINGS: Objection to form.</p> <p>16 THE WITNESS: The same problem the rest 17 of the world has.</p> <p>18 BY MS. KIVITZ:</p> <p>19 Q. What's that?</p> <p>20 A. There's a lot of people applying. You have to 21 know someone. You know, the jobs that I have 22 interviewed for -- once I get in there -- and I just 23 went to another one at Penn. I'm overqualified. You 24 know, you'll have some young person call you down 25 that's a B.A., a business assistant. And when you get</p>
<p style="text-align: right;">Page 310</p> <p>1 A. Right.</p> <p>2 Q. Why would you be withdrawing applications at 3 the same time you're putting in applications?</p> <p>4 A. Sometimes -- oh, because at Penn you can't go 5 back. Like, they ask you a series of questions, and 6 they don't let you get out of the window without a 7 withdrawal. So, like, while they're asking you the 8 questions, you can see if you're really well-qualified 9 for the job.</p> <p>10 And if you answer the questions "no," 11 "no," "no," I mean, you might as well withdraw. But 12 you have to hit you want to withdraw, or you can't get 13 out if it. It's the way the system is set up. And 14 there were very few of them. Maybe three or four out 15 of a hundred.</p> <p>16 Q. Well, no. Actually I saw more of them. 17 That's why I'm asking.</p> <p>18 A. No. There's not a lot there. But the only 19 way you can see -- you have to see the system. When 20 you go into it and you apply for a job, some of the 21 supervisors or the people -- the hiring officers put 22 in a series of questions.</p> <p>23 And it will be "Can you do this? Have 24 you done this? How long did you do this?" And you 25 can see -- then you start to feel like, "Well, maybe</p>	<p style="text-align: right;">Page 312</p> <p>1 there, they're, like, "Oh, well, you'll be doing a lot 2 of clerical work. Is that a problem for you?" 3 And I'll say, "Well, yeah. I kind of -- 4 do you see my education?" 5 And they said, "Yeah. I don't think 6 you're right for this then." But they call you down 7 there first.</p> <p>8 Q. Are you willing to do clerical work?</p> <p>9 A. No, I'm not at this point. No. I don't want 10 to wind up with the same issue that I had before, you 11 know. Would you -- are you willing to do clerical 12 work now?</p> <p>13 Q. I do clerical work every day, Honey.</p> <p>14 A. Okay. Yeah, but then you charge \$300 an hour 15 for it. So if I could charge \$300 an hour for it, I 16 would do it.</p> <p>17 Q. Okay. Let me ask you this: Do you think that 18 it's possible that your difficulty in finding 19 employment is also based on the fact that you've held 20 sort of different positions and not for very long on 21 your resume?</p> <p>22 MR. JENNINGS: Objection to form.</p> <p>23 THE WITNESS: No. Because I was 24 home for fifteen years with my kids. There's really 25 only one position that I held for a short period of</p>

1 time. The Wistar Institute -- I was there for six,
 2 seven years. And I basically stayed home with my
 3 kids. So I lasted there fifteen years. Does that
 4 count because that's the hardest job I ever did in my
 5 life?

6 BY MS. KIVITZ:

7 Q. But I'm just saying: Do you think it's a
 8 factor in the job market? Okay? Do you think there's
 9 any possibility that the fact that you've worked for a
 10 year and a half at Jeanes and then seven years at
 11 Wistar and then stayed home for fifteen years --

12 A. No. Because I have a friend that goes every
 13 five years to a new job. Renee Brock. And you could
 14 see on her resume "five years," "five years," "five
 15 years," "five years."

16 Q. You got to let me finish the question. I'm
 17 sorry.

18 A. Okay. Sorry. I was trying to answer it.

19 Q. Do you --

20 A. No, I don't. That's my answer.

21 Q. You can't answer it before I ask it.

22 A. You already asked it. You said, "Do you think
 23 that, because I was in a short -- in a position for
 24 seven years and then a year and a half, is that a
 25 problem?"

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1 information. Like, from Drexel I sent an e-mail. I
 2 don't normally call people. And I said, "Can you give
 3 me some feedback?"

4 And I always got positive. They just
 5 say it's just who the person they -- you know, who
 6 they have chemistry with or whatever. Who knows? It
 7 could be because I'm older and I come in and they
 8 don't expect me to be older because I don't have dates
 9 on my resume. I mean, I don't really know.

10 Q. The reasons you're given for not getting the
 11 jobs -- are they any different than the reasons you
 12 were given when you were at the National Board and
 13 applying for positions?

14 A. I wasn't given any reason from the National
 15 Board why I wasn't promoted.

16 Q. No, no, no. When you were at the National
 17 Board and you applied for positions with Temple and
 18 Drexel and other places and you were turned down, what
 19 I'm saying is are the reasons --

20 A. I wasn't turned down to all of them. One of
 21 them I didn't take. It was soft money. And she said,
 22 "Would it be a problem for you working on a grant for
 23 two years?"

24 And I said, "Yeah. I have a family."

25 So that was an issue. That's as far as that one went.

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1 Q. Seven years, a year and a half, four months,
 2 one year. Do you think that that has hurt you --
 3 A. No.

4 MR. JENNINGS: Hold up.

5 Objection to form.

6 BY MS. KIVITZ:

7 Q. Have you interviewed anywhere and asked flat
 8 out why you didn't get a position?

9 A. Have I asked them? Yes.

10 Q. And what have you been told?

11 A. "You're a really great candidate. We just
 12 picked somebody else."

13 I mean, I was the last four -- he had it
 14 down from eighty to four -- the doctor at Penn. He's
 15 actually a doctor in, I think, psychology or
 16 sociology. And he called me from his cabin in Maine.
 17 And I was one of four people.

18 And he said -- he had trouble getting
 19 his grant, and he hired one person, and he actually
 20 called me and said, "You know, if I can, I may call
 21 you at a later date for a position once I really
 22 secure this grant."

23 So, you know, I've asked people from
 24 Human Resource, "How was my interview? How did I
 25 present myself?" I just want it for my own

1 Q. Which job was that?

2 A. That was Family Medicine.

3 Q. Where?

4 A. At Penn.

5 Q. Okay. So Family Medicine -- you're saying you
 6 had a job offer?

7 A. She didn't make a formal offer, but she sent
 8 me to the B.A., and he said, "Are you going to have an
 9 issue if they offer the job to being on soft money and
 10 the job may end in two years?"

11 And I said, "Yes. Because right now I'm
 12 in a permanent job."

13 And actually when you go to
 14 universities, that can be very common. So you have to
 15 think before you take it. At this point when you're
 16 not working, sure, I'd take it. But when you're
 17 working at a job where you're not on soft money, you
 18 know, generally I wouldn't apply to the ones that said
 19 that.

20 Q. Have you met with a career counsellor or a
 21 vocational expert, anyone who might be able to give
 22 you more guidance?

23 A. Someone that I would have to pay?

24 Q. Headhunter?

25 A. Yes. They've sent me on quite a

<p>1 few interviews.</p> <p>2 Q. Okay. Which headhunters have you worked with?</p> <p>3 A. I'm trying to remember the girl's name. Let</p> <p>4 me think. I could get them for you if you're really</p> <p>5 interested. I still have them on my computer.</p> <p>6 Actually they should be in there.</p> <p>7 Q. Where?</p> <p>8 A. They're in those --</p> <p>9 Q. Well, I see monster.com, and I see a whole</p> <p>10 bunch of printouts for Temple and --</p> <p>11 A. Yeah. But you should see some --</p> <p>12 Q. -- a couple of --</p> <p>13 A. Like, if you see, like, a girl or a guy's</p> <p>14 name, that is probably -- okay. It should be in</p> <p>15 there. I'm trying to think. One of them begins with</p> <p>16 a "J." Julie? Jolie? Does that sound familiar to</p> <p>17 you?</p> <p>18 Q. Located where?</p> <p>19 A. I don't know. They're all done through</p> <p>20 e-mail. I think she's in King of Prussia. One of</p> <p>21 them. It was Jolie I think was the name. And what</p> <p>22 was the other one? Advantix or Advance? I don't</p> <p>23 know. If you really are interested, I can get them</p> <p>24 for you.</p> <p>25 Q. Okay. Now, has your husband taken the</p>	<p>Page 317</p> <p>1</p> <p>2 SIGNATURE</p> <p>3</p> <p>4 I have read the foregoing</p> <p>5 transcript of my deposition given on October 24, 2007,</p> <p>6 and it is true, correct, and complete, to the best of</p> <p>7 my knowledge, recollection, and belief, except for the</p> <p>8 list of corrections, if any, on the errata sheet</p> <p>9 herewith.</p> <p>10 DIANE ROSETSKY</p> <p>11</p> <p>12</p> <p>13 DATE</p> <p>14 ---</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>
<p>Page 318</p> <p>1 position in the Domestic Relations -- and maybe it's</p> <p>2 not this far along -- that you be tested vocationally</p> <p>3 to see the type of work you're able to get?</p> <p>4 A. You don't know my husband. No. He would not</p> <p>5 suggest anything like that.</p> <p>6 Q. Okay. Is he taking the position that you're</p> <p>7 capable of working?</p> <p>8 A. Oh, yes. He knows I've been looking for work.</p> <p>9 Q. I think I'm done.</p> <p>10 A. Really?</p> <p>11 Q. Yes. Let me just talk to her for a minute.</p> <p>12 (Brief recess.)</p> <p>13 MS. KIVITZ: We're done.</p> <p>14 MR. JENNINGS: Just for the record, I</p> <p>15 don't have any questions. Thank you.</p> <p>16 (At 4:40 P.M. proceedings were</p> <p>17 concluded.)</p> <p>18 ---</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p>Page 320</p> <p>1</p> <p>2 CERTIFICATE</p> <p>3</p> <p>4 I, Susan K. MacSorley, being a</p> <p>5 Registered Professional Reporter and Notary Public, do</p> <p>6 hereby certify that the foregoing oral testimony of</p> <p>7 Diane Rosetsky was taken stenographically by me on</p> <p>8 October 24, 2007, after said witness was duly sworn or</p> <p>9 affirmed prior to the commencement of her testimony,</p> <p>10 and that this deposition transcript is a true and</p> <p>11 correct transcript of the same, fully transcribed</p> <p>12 under my direction, to the best of my ability and</p> <p>13 skill.</p> <p>14 I further certify that I am not a</p> <p>15 relative, employee, or attorney of any of the parties</p> <p>16 in this action; that I am not a relative or employee</p> <p>17 of any attorney in this action; and that I am not</p> <p>18 financially interested in the event of this action.</p> <p>19</p> <p>20</p> <p>21 SKM Susan K. MacSorley, R.P.R.</p> <p>22 Notary Public in and for the</p> <p>23 Commonwealth of Pennsylvania</p> <p>24 My Commission expires June 28, 2011</p> <p>25</p>